

**UNITED STATES VIRGIN ISLANDS
DEPARTMENT OF PLANNING AND NATURAL RESOURCES**



**2017 VIRGIN ISLANDS MULTI-SECTOR GENERAL PERMIT FOR
STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY
(VIMSGP)**

GENERAL PERMIT NUMBER VIR050000

**AUTHORIZATION TO DISCHARGE UNDER THE
TERRITORIAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

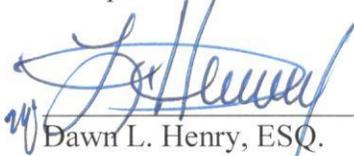
In compliance with the provisions of the Clean Water Act, 33 USC §1251 et. seq., (hereafter referred to as the CWA or the Act), as amended by the Water Quality Act of 1987, P.L. 100-4, and the Virgin Islands Water Pollution Control Act, 12 V.I. CODE ANN. §184 (1998 & Supp. 2004) et. seq., operators of stormwater discharges associated with industrial activity located in the United States Virgin Islands Territory are authorized to discharge to Waters of the United States Virgin Islands in accordance with the eligibility and Notice of Intent (NOI) requirements, effluent limitations, inspection requirements, and other conditions set forth in this permit. This permit is structured as follows:

- General requirements that apply to all facilities are found in Parts 1 through 7;
- Industry sector-specific requirements are found in Part 8; and
- Additional permit conditions that apply to all operators covered under this permit found in Appendices A through J.

This permit is conditioned upon payment of applicable fees, submittal of a complete Notice of Intent (NOI) application form and written approval of coverage from the director of Division of Environmental Protection of VIDPNR, in accordance with 12 V.I. CODE ANN. §185 (1998 & Supp. 2004).

This permit shall become effective on **March 1, 2017**.

This permit and authorization to discharge shall expire at midnight on **February 28, 2022**.



Dawn L. Henry, ESQ.
Commissioner

March 1, 2017
Date

**2017 TPDES MULTI-SECTOR GENERAL PERMIT FOR STORMWATER
DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY
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1. COVERAGE UNDER THIS PERMIT.

1.1 Eligibility.

1.1.1 Facilities Covered.

To be eligible to discharge under this permit, you must (1) have an allowable stormwater discharge or an allowable non-stormwater discharge associated with industrial activity from your primary industrial activity, as defined in Appendix A, provided your primary industrial activity is included in Appendix C, or (2) be notified by VIDPNR that you are eligible for coverage under Part 8.30 (Sector AD) of this permit.

1.1.2 Allowable Stormwater Discharges.

Unless otherwise made ineligible under Part 1.1.4, the following discharges are eligible for coverage under this permit:

1.1.2.1 *Discharges associated with primary industrial activities.*

Stormwater discharges associated with industrial activity for any primary industrial activities and co-located industrial activities, as defined in Appendix A, except for any stormwater discharges specifically prohibited in Part 8;

1.1.2.2 *Discharges designated as needing a stormwater permit*

Discharges designated as needing a stormwater permit as provided in Part 8.30 (Sector AD);

1.1.2.3 *Other Discharges.*

Discharges that are not otherwise required to obtain TPDES permit authorization but are commingled with discharges that are authorized under this permit; and

1.1.2.4 *Discharges subject to national stormwater-specific effluent limitations.*

Discharges subject to any of the national stormwater-specific effluent limitations guidelines listed in Table 1-1 below.

Table 1-1. Stormwater-specific Effluent Limitations Guidelines

Regulated Discharge	40 CFR Section	VI MSGP Sector	New Source Performance Standard (NSPS)	New Source Date
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	A	Yes	1/26/81
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials,	Part 418, Subpart A	C	Yes	4/8/74

finished product, by-products or waste products (SIC 2874)				
Runoff from asphalt emulsion facilities	Part 443, Subpart A	D	Yes	7/28/75
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	E	Yes	2/20/74
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	J	No	N/A
Runoff from hazardous waste and non-hazardous waste landfills	Part 445, Subparts A and B	K, L	Yes	2/2/00
Runoff from coal storage piles at steam electric generating facilities	Part 423	O	Yes	11/19/82 (10/8/74) ¹

1.1.3 Allowable Non-Stormwater Discharges.

Below in Part 1.1.3.1 are the only non-stormwater discharges authorized under this permit for all sectors provided that all discharges comply with the effluent limits set forth in Parts 2 and 8. In addition to the authorized non-stormwater discharges in Part 1.1.3.1 applicable to all sectors, for Sector A, there is an additional non-stormwater discharge in Part 1.1.3.2 below, and for the mining sectors (Sectors G, H, and J), there are additional authorized non-stormwater discharges in Part 1.1.3.3 below. The additional allowable non-stormwater discharges for Sectors G, H, and J apply only to discharges from earth-disturbing activities conducted prior to active mining activities as defined in Part 8.7.3.2, 8.8.3.2, and 8.10.3.2 provided that, with the exception of water used to control dust and to irrigate areas to be vegetatively stabilized, these discharges are not routed to areas of exposed soil and all discharges comply with the permit's effluent limits.

Also allowed for all sectors are discharges of stormwater listed above in Parts 1.1.2 or authorized non-stormwater discharges in Part 1.1.3, mixed with a discharge authorized by a different TPDES permit and/or a discharge that does not require TPDES permit authorization. All other non-stormwater discharges requiring TPDES permit coverage except those specifically listed in Part 1.1.3 are not authorized by this permit. If non-stormwater discharges requiring TPDES permit coverage other than those specifically authorized in Part 1.1.3, including sector-specific non-stormwater discharges that are listed in Part 8 as prohibited (a non-exclusive list provided to raise awareness of contaminants or sources of contaminants characteristic of certain sectors), will be discharged, such non-stormwater discharges are not authorized by this permit and must either be eliminated or covered under another TPDES permit.

¹ NSPS promulgated in 1974 were not removed via the 1982 regulation; therefore wastewaters generated by Part 423-applicable sources that were New Sources under the 1974 regulations are subject to the 1974 NSPS.

1.1.3.1 Allowable Non-Stormwater Discharges for all Sectors of Industrial Activity:

- Discharges from emergency/unplanned fire-fighting activities;
- Fire hydrant flushings;
- Potable water, including water line flushings;
- Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors and from the outside storage of refrigerated gases or liquids;
- Irrigation drainage;
- Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;
- Pavement wash waters where no detergents or hazardous cleaning products are used (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities (see Part 5.2.3), or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods (e.g., applying absorbent materials and sweeping, using hydrophobic mops/rags) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention; settlement);
- Routine external building wash down/power wash water that does not use detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols);
- Uncontaminated ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials; and
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., “piped” cooling tower blowdown or drains).

1.1.3.2 Additional Allowable Non-Stormwater Discharge for Sector A: Discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage (applicable only to Sector A facilities provided the non-stormwater component of the discharge is in compliance with the non-numeric effluent limits requirements in Part 2.1.2).

1.1.3.3 Additional Allowable Non-Stormwater Discharges for Earth-Disturbing Activities Conducted Prior to Active Mining Activities for Sectors G, H and J:

- Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
- Water used to control dust; and
- Dewatering water that has been treated by an appropriate control under Parts 8.7.4.2.9, 8.8.4.2.9, or 8.10.4.2.9.

Note: These non-stormwater discharges are only authorized for earth-disturbing activities conducted prior to active mining activities, as defined in Part 8.7.3.2, 8.8.3.2, and 8.10.3.2. Once the earth-disturbing

activities conducted prior to active mining activities have ceased, the only allowable non-stormwater discharges for Sectors G, H, and J are those listed in Part 1.1.3.1.

1.1.4 Limitations on Coverage.

Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under Clean Water Act (CWA) section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), or during an inspection.

1.1.4.1 *Discharges Mixed with Non-Stormwater.*

Stormwater discharges that are mixed with non-stormwater discharges, other than those non-stormwater discharges listed in Part 1.1.3, and/or those mixed with a discharge authorized by a different TPDES permit and/or a discharge that does not require TPDES authorization, are not eligible for coverage under this permit.

1.1.4.2 *Stormwater Discharges Associated with Construction Activity.*

Stormwater discharges associated with construction activity disturbing one acre or more, or that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more, are not eligible for coverage under this permit, unless in conjunction with mining activities or certain oil and gas extraction activities as specified in Parts 8.7, 8.8, 8.9, and 8.10 (Sectors G, H, I, and J, respectively) of this permit.

1.1.4.3 *Discharges Currently or Previously Covered by Another Permit.*

Unless you received written notification from VIDPNR specifically allowing these discharges to be covered under this permit, you are not eligible for coverage under this permit for any of the following:

- Stormwater discharges associated with industrial activity that are currently covered under an individual TPDES permit or an alternative TPDES general permit;
- Discharges covered within five years prior to the effective date of this permit by an individual permit or alternative general permit where that permit established site-specific numeric water quality-based limitations developed for the stormwater component of the discharge; or
- Discharges from facilities where any TPDES permit has been or is in the process of being denied, terminated, or revoked by VIDPNR (this does not apply to the routine reissuance of permits every five years).

1.1.4.4 *Stormwater Discharges Subject to Effluent Limitations Guidelines.*

For discharges subject to stormwater effluent limitation guidelines under 40 CFR, Subchapter N, only those stormwater discharges identified in Table 1-1 are eligible for coverage under this permit.

1.1.4.5 *Endangered and Threatened Species and Critical Habitat Protection.*

Coverage under this permit is available only if your stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities were the subject of an Endangered Species Act (ESA) consultation or an ESA section 10 permit, or if your stormwater discharges, allowable non-stormwater discharges and stormwater discharge-related activities are not likely to adversely affect any species that are either locally-listed under the USVI Indigenous and Endangered Species Act (IESA) of 1990 and will not result in the adverse modification or destruction of habitat that is locally-designated as “critical habitat” under the IESA, or federally-listed as endangered or threatened (“listed”) under the Endangered Species Act (ESA) and will not result in the adverse modification or destruction of habitat that is federally-designated as “critical habitat” under the ESA. You must meet one of the criteria below, following the procedures in Appendix D:

- Criterion A. No locally-listed or federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in the “action area” as defined in Appendix A. To certify your eligibility under this criterion, you must use the *Criterion Selection Worksheet* in Part D.4 of Appendix D. You must also provide a description of the basis for the criterion you selected on your NOI form and provide documentation supporting your eligibility determination in your SWPPP.
- Criterion B. Your industrial activity’s discharges and discharge-related activities were already addressed in another operator’s valid certification of eligibility for your action area under this permit, and there is no reason to believe that locally or federally listed species or designated critical habitat not considered in the prior certification may be present or located in the “action area” (e.g., due to a new species listing or critical habitat designation). To certify your eligibility under this criterion, you must use the *Criterion Selection Worksheet* in Part D.4 of Appendix D. There must be no lapse of TPDES permit coverage in the other operator’s certification. You must also comply with any additional measures that formed the basis of the other operator’s valid certification of eligibility to ensure that your discharges and discharge-related activities are protective of listed species and/or critical habitat. You must include in your NOI the TPDES ID (i.e., permit tracking number) assigned to the other operator’s authorization under this permit, and a description of the basis for the criterion selected on your NOI form, including the eligibility criterion selected by the other operator’s certification. You must also provide any documentation in your SWPPP that supports the other operator’s eligibility determination, including any additional measures that formed the basis of the other operator’s eligibility determination.
- Criterion C. Federally or locally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in or near your facility’s “action area,” and your industrial activity’s discharges and discharge-

related activities are not likely to adversely affect listed threatened or endangered species or critical habitat. To certify your eligibility under this criterion, you must use the *Criterion Selection Worksheet* in Part D.4 of Appendix D, including completion of the Criterion C Eligibility Form, which you must submit to DPNR at least 30 days prior to filing your NOI for permit coverage. After evaluation of your Criterion C Eligibility Form, DPNR may require additional measures that you must implement to avoid or eliminate likely adverse effects on listed species and critical habitat from discharges and discharge-related activities. You may submit your NOI for permit coverage 30 days after submitting to DPNR your completed Criterion C worksheet. You must also provide a description of the basis for the criterion you selected on your NOI form and provide documentation supporting your eligibility determination in your SWPPP.

- Criterion D. Consultation between a Federal agency and the VIDPNR – Division of Fish & Wildlife, the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service (together, the “Services”) under section 7 of the ESA has been concluded. Consultations can be either formal or informal, and would have occurred only as a result of a separate federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit), and consultation must have addressed the effects of the industrial activity’s discharges and discharge-related activities on locally and/or federally listed threatened or endangered species and designated critical habitat. The result of this consultation must be one of the following:
- i. a biological opinion that concludes that the action in question (taking into account the effects of your facility’s discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, or result in the destruction or adverse modification of critical habitat;
 - ii. A biological opinion that concludes that the action is likely to jeopardize listed species or to result in the destruction or adverse modification of critical habitat, and any recommended reasonable and prudent alternatives or reasonable and prudent measures are being implemented; or
 - iii. Written concurrence from the applicable Service(s) with a finding that the facility’s discharges and discharge-related activities are not likely to adversely affect listed species or critical habitat.

To certify your eligibility under this criterion, you must use the *Criterion Selection Worksheet* in Part D.4 of Appendix D. You must verify that the consultation does not warrant re-initiation under 50 CFR §402.16. If re-initiation of consultation is required, in order to be eligible under this

Criterion you must ensure consultation is re-initiated and the result of the consultation must be consistent with (i), (ii), or (iii) above.

If eligible, you must also provide supporting documentation for your determination in your NOI and SWPPP, including the Biological Opinion (or PCTS Tracking number) or concurrence letter.

- Criterion E. Your industrial activities are the subject of a permit under Section 10 of the ESA, and this authorization addresses the effects of your facility's discharges and discharge-related activities on locally and/or federally listed species and designated critical habitat. To certify your eligibility under this criterion, you must use the *Criterion Selection Worksheet*. You must also provide supporting documentation for your determination in your NOI and SWPPP, including a copy of the permit from the Services.

You must comply with any measures that formed the basis of your eligibility determination in Part 1.1.4.5 to be in compliance with the permit. These measures become permit requirements per Part 2.3. Documentation of these measures must be kept as part of your SWPPP (see Part 5.2.6.1).

1.1.4.6 ***Historic Properties Preservation.***

Coverage under this permit is available only if your stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities meet one of the eligibility criteria below, following the procedures in Appendix E:

- Criterion A. Your stormwater discharges and allowable non-stormwater discharges do not have the potential to have an effect on historic and cultural properties above or below grade and you are not constructing or installing new stormwater control measures on your site that cause subsurface disturbance; or
- Criterion B. Your discharge-related activities (i.e., construction and/or installation of stormwater control measures that involve subsurface disturbance) will not affect historic properties; or
- Criterion C. Your stormwater discharges, allowable non-stormwater discharges, and discharge-related activities have the potential to have an effect on historic properties, and you have consulted with the State Historic Preservation Officer (SHPO) regarding measures to mitigate or prevent any adverse effects on historic properties, and you have either (1) obtained and are in compliance with a written agreement that outlines all such measures, or (2) been unable to reach agreement on such measures; or

Criterion D. You have contacted the State Historic Preservation Officer in writing informing them that you have the potential to have an effect on historic properties and you did not receive a response from the SHPO within 30 days of receiving your letter.

If you have been unable to reach agreement with a SHPO representative regarding appropriate measures to mitigate or prevent adverse effects, VIDPNR may notify you of additional measures you must implement to be eligible for coverage under this permit.

1.1.4.7 ***Eligibility for New Dischargers and New Sources: Based on Water Quality Standards.***

If you are a new discharger or a new source (as defined in Appendix A), you are ineligible for coverage under this permit if VIDPNR determines prior to your authorization to discharge that your discharges will not meet an applicable water quality standard (i.e., your discharges will cause or contribute to an exceedance of a water quality standard). In such case, VIDPNR may notify you that an individual permit application is necessary per Part 1.2.3, or, alternatively, VIDPNR may authorize your coverage under this permit after you implement additional control measures so that your discharges will meet water quality standards.

1.1.4.8 ***Eligibility for New Dischargers and New Sources to Water-Quality Impaired Waters.***

If you are a new discharger or a new source (as defined in Appendix A), you are ineligible for coverage under this permit to discharge to an “impaired water” (as defined in Appendix A) unless you do one of the following:

- a. Prevent all exposure to stormwater of the pollutant(s) for which the waterbody is impaired, and retain documentation of procedures taken to prevent exposure onsite with your SWPPP;
- b. Prior to submitting your NOI, provide to the appropriate VIDPNR office technical information or other documentation to support your claim that the pollutant(s) for which the waterbody is impaired is not present at your site, and retain such documentation with your SWPPP; or
- c. Prior to submitting your NOI, provide to VIDPNR either data or other technical documentation to support a conclusion that the discharge is expected to meet applicable water quality standards (i.e., that pollutants of concern will not be discharged at levels that will cause or contribute to an exceedance of a water quality standard), and retain such information with your SWPPP. The information to be submitted to VIDPNR must be sufficient to demonstrate:

- i. For discharges to waters without a VIDPNR approved or established Total Maximum Daily Load (TMDL), that the discharge of the pollutant for which the water is impaired will meet water quality standards at the point of discharge to the waterbody; or
- ii. For discharges to waters with a VIDPNR approved or established TMDL, that there are, in accordance with 40 CFR 122.4(i), sufficient remaining wasteload allocations in the TMDL to allow your discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with water quality standards (e.g., a reserve allocation for future growth).

You are eligible under Part 1.1.4.8.c if you receive a determination from VIDPNR that your discharge will meet applicable water quality standards (i.e., will not cause or contribute to an exceedance of a water quality standard), and you document VIDPNR's determination in your SWPPP. If the VIDPNR fails to respond within 30 days of submission of data to VIDPNR, you are considered to be eligible for coverage.

To obtain the most updated list of impaired water bodies in the USVI Territory, you may go to <http://dpr.vi.gov/environmental-protection/water-quality-management/>, and scroll down to the Water Quality Management Program's most recent Integrated Water Quality Monitoring & Assessment Report for the United States Virgin Islands. The list can be found in the Appendices.

Note: For the purposes of this permit, your project is considered to discharge to an impaired water if the first water of the USVI to which you discharge is identified by VIDPNR as not meeting an applicable water quality standard, and:

- *Requires development of a TMDL (pursuant to section 303(d) of the CWA);*
- *Is addressed by a VIDPNR-approved or established TMDL; or*
- *Is not in either of the above categories but the waterbody is covered by pollution control requirements that meet the requirements of 40 CFR 130.7(b)(1).*

For discharges that enter a separate storm sewer system prior to discharge, the first water of the USVI to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system.

1.1.4.9 ***Eligibility for New Dischargers and New Sources to Water-Quality Impaired Waters.***

For new dischargers and new sources to Class B or Class C waters:

If you are a new discharger or a new source (as defined in Appendix A), you are eligible to discharge to a Class B or Class C water only if your discharge will not lower the water quality of the applicable water. See a list of Class B and Class C waters in 12 V.I.R.R. §186.

For new dischargers and new sources to Class A waters:

If you are a new discharger or a new source (as defined in Appendix A), you are not eligible for coverage under this permit for discharges to waters designated by VIDPNR as Class A (outstanding national resource waters) for antidegradation purposes under 40 CFR 131.13(a)(3). Instead, you must submit an application for an individual permit. See a list of Class A waters in 12 V.I.R.R. §186.

Note: For the purposes of this permit, your project is considered to discharge to a Class A, B or C water if the first water of the USVI to which you discharge is identified by VIDPNR as a Class A, B or C water. For discharges that enter a separate storm sewer system prior to discharge, the first water of the USVI to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system.

1.2 Authorization under this Permit.

1.2.1 How to Obtain Authorization.

To obtain authorization under this permit, you must:

- Be an operator of a primary industrial activity in a sector covered by this permit (see Appendix C);
- Be located in the United States Virgin Islands Territory;
- Meet the Part 1.1 eligibility requirements;
- Select, design, install, and implement control measures in accordance with Part 2.1 and Part 8 to meet numeric and non-numeric effluent limits;
- Submit a complete and accurate Notice of Intent (NOI) included in Appendix F of this permit and then submitting that paper form to the address listed in Part 7.6.1; and
- Develop a SWPPP according to the requirements of Part 5 of this permit or update your existing SWPPP consistent with Part 5 prior to submitting your NOI for coverage under this permit.

1.2.1.1 Submitting your NOI.

To be covered under this permit, you must submit to VIDPNR a complete and accurate NOI by the deadline applicable to your facility presented in Table 1-2. The NOI certifies to VIDPNR that you are eligible for coverage according to Part 1.1, and provides information on your industrial activities and related discharges.

You must complete the development of a SWPPP or update your existing SWPPP consistent with Part 5 prior to submitting your NOI for coverage under this permit. If you choose to post your SWPPP on the Internet per Part 5.4.1, you must include the URL on your NOI form and this URL must directly link to the SWPPP (not just the corporate or

facility homepage). If you do not post your SWPPP online, you must enter additional facility information from your SWPPP, per Part 5.4.2.

1.2.1.2 Deadline for Submitting Your NOI and Your Official Date of Permit Coverage.

Table 1-2 provides the deadlines for submitting your NOI and your official start date of permit coverage. Late NOIs will be accepted but authorization to discharge will not be retroactive.

Table 1-2. NOI Submittal Deadlines/Discharge Authorization Dates		
Category	NOI Submission Deadline	Discharge Authorization Date^{1,2}
Operators of industrial activities that were authorized for coverage under the 2012 VI MSGP.	No later than June 1, 2017 unless VIDPNR notifies you that your deadline is extended.	30 days after VIDPNR notifies you that it has received a complete NOI, unless VIDPNR notifies you that your authorization has been denied or delayed. <i>Note: You must review and update your SWPPP to ensure that this permit's requirements are addressed prior to submitting your NOI.</i> Provided you submit your NOI in accordance with the deadline, your authorization under the 2012 VI MSGP is automatically continued until you have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated.
Operators of industrial activities that commence discharging after June 1, 2017, or operators seeking coverage for discharges previously covered under an individual permit or an alternative general permit.	A minimum of 30 days prior to commencing discharge in accordance with the terms of the 2012 VI MSGP.	30 days after VIDPNR notifies you that it has received a complete NOI, unless VIDPNR notifies you that your authorization has been denied or delayed.
New operators of existing industrial activities with discharges previously authorized under the 2012 VI MSGP.	A minimum of 30 days prior to the date of transfer of control to the new operator.	30 days after VIDPNR notifies you that it has received a complete NOI, unless VIDPNR notifies you that your authorization has been denied or delayed.
Other eligible operators – Operators of industrial activities that commenced discharging prior to June 1, 2017, but not covered under the 2012 VI MSGP or another TPDES permit	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.	30 days after VIDPNR notifies you that it has received a complete NOI, unless VIDPNR notifies you that your authorization has been denied or delayed.

¹ If you have missed the deadline to submit your NOI, any and all discharges from your industrial activities will continue to be unauthorized under the CWA until they are covered by this or a different TPDES permit. VIDPNR may take enforcement action for any unpermitted discharges that occur between the commencement of discharging and discharge authorization.

² Discharges are not authorized if your NOI is incomplete or inaccurate or if you are ineligible for permit coverage.

1.2.2 Continuation of Coverage for Existing Permittees After the Permit Expires.

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 12 V.I.R.R. §184-25, the Administrative Procedure Act and 40 CFR §122.6 and remain in force and effect for discharges that were covered prior to expiration. If you obtain authorization to discharge under this permit prior to the expiration date and this permit is administratively continued, any discharges authorized under this permit will automatically remain covered by this permit after its expiration date until the earliest of:

- Your authorization for coverage under a reissued permit or a replacement version of this permit following your timely and appropriate submittal of a complete and accurate NOI requesting authorization to discharge under the new permit and compliance with the requirements of the new permit; or

Note: If you fail to submit a timely NOI for coverage under the reissued or replacement permit, your coverage will terminate on the date that the NOI was due.

- Your submittal of a Notice of Termination (NOT); or
- Issuance of an individual permit for the facility's discharges; or
- A formal permit decision by VIDPNR not to reissue this general permit, at which time VIDPNR will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.

1.2.3 Coverage Under Alternative Permits.

VIDPNR may require you to apply for and/or obtain authorization to discharge under an alternative permit, i.e., either an individual TPDES permit or an alternative TPDES general permit, in accordance with 12 V.I.R.R. §184-46(b)(3), 40 CFR §122.64 and §124.5. If VIDPNR requires you to apply for an alternative permit, the Department will notify you in writing that a permit application or NOI is required. This notification will include a brief statement of the reasons for this decision and will contain alternative permit application or NOI requirements, including deadlines for completing your application or NOI.

1.2.3.1 Denial of Coverage for New or Previously Unpermitted Facilities.

For new or previously unpermitted facilities, following the submittal of your NOI, you may be denied coverage under the 2017 VI MSGP and must apply for and/or obtain authorization to discharge under an alternative permit, per Part 1.2.3.

1.2.3.2 Loss of Authorization Under the 2017 VI MSGP for Existing Permitted Facilities.

If your stormwater discharges are covered under this permit, you may receive a written notification that you must either apply for coverage under an individual TPDES permit or submit an NOI for coverage under an alternative general TPDES permit, per Part 1.2.3. In addition to the reasons for the decision and alternative permit application or NOI deadlines, the notice will include a statement that on the effective date of your alternative permit coverage, your coverage under the 2017 VI MSGP will terminate. VIDPNR may grant additional time to submit the application or NOI if you request it. If you fail to submit an alternative permit application or NOI as required by VIDPNR, then your authorization to discharge under the 2017 VI MSGP is terminated at the end of the day that VIDPNR required you to submit your alternative permit application or NOI. VIDPNR may take appropriate enforcement action for any unpermitted discharge.

1.2.3.3 Operator Requesting Coverage Under an Alternative Permit.

You may request to be covered under an individual permit. In such a case, you must submit an individual permit application in accordance with the requirements of 12 V.I.R.R. §184-46(b)(3)(i)(G)(4)(ii) and 40 CFR 122.28(b)(3)(iii), with reasons supporting the request, to VIDPNR. The request may be granted by issuance of an individual permit if your reasons are adequate to support the request. When you are authorized to discharge under an alternative permit, your authorization to discharge under the 2017 VI MSGP is terminated on the effective date of the alternative permit.

1.3 Terminating Coverage.

1.3.1 Submitting a Notice of Termination (NOT).

To terminate permit coverage, you must submit a complete and accurate NOT using the form included in Appendix G of this permit, to the address listed in Part 7.9.1. Your authorization to discharge under this permit terminates at midnight of the day that a complete NOT is processed and a letter approving the termination is filed. If you submit a NOT without meeting one or more of the conditions identified in Part 1.3.2, then your NOT is not valid. You are responsible for meeting the terms of this permit until your authorization is terminated.

1.3.2 How to Submit Your NOT

You must submit an NOT within 30 days after one or more of the following conditions have been met:

- A new owner or operator has taken over responsibility for the facility; or
- You have ceased operations at the facility, there are not or no longer will be discharges of stormwater associated with industrial activity from the facility, and you have already implemented necessary sediment and erosion controls as required by Part 2.1.2.5;
- You are a Sector G, H, or J facility and you have met the applicable termination requirements; or
- You have obtained coverage under an individual or alternative general permit for all discharges required to be covered by a TPDES permit.

1.4 Conditional Exclusion for No Exposure.

If you are covered by this permit, and become eligible for a “no exposure” exclusion from permitting under 12 V.I.R.R. 184-45(h) and 40 CFR 122.26(g), you may file a No Exposure Certification found in Appendix J. You are no longer required to have a permit upon submission of a complete and accurate No Exposure Certification to VIDPNR. If you are no longer required to have permit coverage because of a no exposure exclusion and have submitted a No Exposure Certification form to VIDPNR, you are not required to submit a Notice of Termination. You must, however, submit a No Exposure Certification to VIDPNR once every five years, to the address in Part 7.9.1.

1.5 Permit Compliance.

Any noncompliance with any of the requirements of this permit constitutes a violation of this permit, and thus is a violation of the CWA. As detailed in Part 4 (Corrective Actions) of this permit, failure to take any required corrective actions constitutes an independent, additional violation of this permit, in addition to any original violation that triggered the need for corrective action. As such, any actions and time periods specified for remedying non-compliance do not absolve parties of the initial underlying non-compliance.

Where corrective action is triggered by an event that does not itself constitute permit non-compliance, such as an exceedance of an applicable benchmark, there is no permit violation provided you take the required corrective action within the relevant deadlines established in Part 4.3.

1.6 Severability.

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. VIDPNR's intent is that the permit is to remain in effect to the extent possible; in the event that any part of this permit is invalidated, VIDPNR will advise the regulated community as to the effect of such invalidation.

2. CONTROL MEASURES AND EFFLUENT LIMITS.

In the technology-based limits included in Part 2.1 and in Part 8, the term "minimize" means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice. The term "infeasible" means not technologically possible or not economically practicable and achievable in light of best industry practices.

2.1 Control Measures.

You must select, design, install, and implement control measures (including best management practices to minimize pollutant discharge) to address the selection and design considerations in Part 2.1.1, meet the non-numeric effluent limits in Part 2.1.2, meet limits contained in applicable effluent limitations guidelines in Part 2.1.3 and meet the water quality based effluent limitations in Part 2.2. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications. Note that you may deviate from such manufacturer's specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPPP that describes your control measures, consistent with Part 5.2.4. If you find that your control measures are not achieving their intended effect of minimizing pollutant discharges to meet applicable water quality standards or any of the other non-numeric effluent limits in this permit, you must modify these control measures per the corrective action requirements in Part 4. Regulated stormwater discharges from your facility include stormwater run-on that

commingles with stormwater discharges associated with industrial activity at your facility.

Effluent limit requirements in Part 2.1.2 that do not involve the site-specific selection of a control measure or are specific activity requirements (e.g., “Cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe”) are marked with an asterisk (*). When documenting in your SWPPP, per Part 5, how you will comply with the requirements marked with an asterisk, you have the option of including additional information or you may just “cut-and-paste” those effluent limits verbatim into your SWPPP without providing additional documentation (see Part 5.2.4).

2.1.1 Control Measure Selection and Design Considerations

You must consider the following when selecting and designing control measures:

- preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;
- using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in your stormwater discharge;
- assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
- minimizing impervious areas at your facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve groundwater recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;
- attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
- conserving and/or restoring of riparian buffers will help protect streams from stormwater runoff and improve water quality; and
- using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

2.1.2 Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT).

You must comply with the following non-numeric effluent limits (except where otherwise specified in Part 8) as well as any sector-specific non-numeric effluent limits in Part 8:

- 2.1.2.1 ***Minimize Exposure.*** You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain and runoff in order to minimize pollutant discharges by either locating these

industrial materials and activities inside or protecting them with storm resistant coverings Unless infeasible, you must also:

- use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- locate materials, equipment, and activities so that leaks and spills are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
- clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
- use spill/overflow protection equipment;
- drain fluids from equipment and vehicles prior to on-site storage or disposal;
- perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- ensure that all wash water drains to a proper collection system (i.e., not the stormwater drainage system).

The discharge of vehicle and equipment wash water, including tank cleaning operations, is not authorized by this permit. These wastewaters must be covered under a separate TPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

Note: Industrial materials do not need to be enclosed or covered if stormwater runoff from affected areas will not be discharged to receiving waters or if discharges are authorized under another TPDES permit.

2.1.2.2 **Good Housekeeping.** You must keep clean all exposed areas that are potential sources of pollutants. You must perform good housekeeping measures in order to minimize pollutant discharges, including but not limited to, the following:

- Sweep or vacuum at regular intervals or, alternatively, wash down the area and collect and/or treat, and properly dispose of the washdown water;
- Store materials in appropriate containers;
- Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that discharges have a control (e.g., secondary containment, treatment). Consistent with Part 1.1.3 above, this permit does not authorize dry weather discharges from dumpsters or roll off boxes;*

- Minimize the potential for waste, garbage and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged.

Plastic Materials Requirements: Facilities that handle pre-production plastic must implement best management practices to eliminate discharges of plastic in stormwater. Examples of plastic material required to be addressed as stormwater pollutants include plastic resin pellets, powders, flakes, additives, regrind, scrap, waste and recycling.

2.1.2.3 **Maintenance.** You must maintain all control measures that are used to achieve the effluent limits in this permit in effective operating condition, as well as all industrial equipment and systems, in order to minimize pollutant discharges. This includes:

- Performing inspections and preventive maintenance of stormwater drainage, source controls, treatment systems, and plant equipment and systems that could fail and result in contamination of stormwater.
- Diligently maintaining non-structural control measures (e.g., keep spill response supplies available, personnel appropriately trained).
- Inspecting and maintaining baghouses at least quarterly to prevent the escape of dust from the system and immediately removing any accumulated dust at the base of the exterior baghouse.*
- Cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe.*

If you find that your control measures are in need of routine maintenance, you must conduct the necessary maintenance immediately in order to minimize pollutant discharges. If you find that your control measures need to be repaired or replaced, you must immediately take all reasonable steps to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be discharged during subsequent storm events. Final repairs/replacement of stormwater controls should be completed as soon as feasible but must be no later than the timeframe established in Part 4.3 for corrective actions, i.e., within 14 days or, if that is infeasible, within 45 days. If the completion of stormwater control repairs/replacement will exceed the 45 day timeframe, you may take the minimum additional time necessary to complete the maintenance, provided that you notify VIDPNR of your intention to exceed 45 days, and document in your SWPPP your rationale for your modified maintenance timeframe. If a control measure was never installed, was installed incorrectly or not in accordance with Parts 2 and/or 8, or is not being

properly operated or maintained, you must conduct corrective action as specified in Part 4.

Note: In this context, the term “immediately” requires you to, on the same day you identify that a control measure needs to be maintained, take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if a problem is identified at a time in the work day when it is too late to take action, the initiation of action must begin no later than the following work day. “All reasonable steps” means that the permittee has undertaken initial actions to assess and address the condition causing the corrective action, including, for example, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new best management practice (BMP) to be installed at a later date. “All reasonable steps” for purposes of complying with Part 4.2 Conditions Requiring SWPPP Review to Determine if Modifications Are Necessary, when you conclude a corrective action is, in fact, not necessary, could include documenting why a corrective action is unnecessary.

2.1.2.4 ***Spill Prevention and Response Procedures.*** You must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur in order to minimize pollutant discharges. You must conduct spill prevention and response measures, including but not limited to, the following:

- Plainly labeling containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides,” etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;*
- Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas;
- Develop training on the procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;
- Keep spill kits on-site, located near areas where spills may occur or where a rapid response can be made; and
- Notify appropriate facility personnel when a leak, spill, or other release occurs.

Where a leak, spill or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. State or local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be in locations that are readily accessible and available.

- 2.1.2.5 ***Erosion and Sediment Controls.*** You must minimize erosion by stabilizing exposed soils at your facility in order to minimize pollutant discharges and placing flow velocity dissipation devices at discharge locations to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points. You must also use structural and non-structural control measures to minimize the discharge of sediment. If you use polymers and/or other chemical treatments as part of your controls, you must identify the polymers and/or chemicals used and the purpose in your SWPPP. There are many resources available to help you select appropriate BMPs for erosion and sediment control, including EPA's Stormwater Discharges from Construction Activities website at:

<http://water.epa.gov/polwaste/npdes/stormwater/EPA-Construction-GeneralPermit.cfm>.

Additional Erosion and Sediment Control information specific to the USVI Territory can be found in the most recent version of the VI Environmental Protection Handbook. You may contact VIDPNR for more information on this document.

- 2.1.2.6 ***Management of Runoff.*** You must divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with EPA's Internet-based resources relating to runoff management, including the sector-specific Industrial Stormwater Fact Sheet Series, (<http://water.epa.gov/polwaste/npdes/stormwater/EPA-Multi-Sector-GeneralPermit-MSGP.cfm>), National Menu of Stormwater BMPs (<http://water.epa.gov/polwaste/npdes/swbmp/index.cfm>), and National Management Measures to Control Nonpoint Source Pollution from Urban Areas (<http://water.epa.gov/polwaste/nps/urban/>).

Additional Erosion and Sediment Control information specific to the USVI Territory can be found in the most recent version of the VI Environmental Protection Handbook. You may contact VIDPNR for more information on this document.

2.1.2.7 ***Salt Storage Piles or Piles Containing Salt.*** You must enclose or cover storage piles of salt, or piles containing salt, used for commercial or industrial purposes, including maintenance of paved surfaces. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered if stormwater runoff from the piles is not discharged or if discharges from the piles are authorized under another TPDES permit.

2.1.2.8 ***Employee Training.*** You must train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of your Stormwater Pollution Prevention Team. You must ensure the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements:

- Personnel who are responsible for the design, installation, maintenance, and/or repair of controls (including pollution prevention measures);
- Personnel responsible for the storage and handling of chemicals and materials that could become contaminants in stormwater discharges;
- Personnel who are responsible for conducting and documenting monitoring and inspections as required in Parts 3 and 6; and
- Personnel who are responsible for taking and documenting corrective actions as required in Part 4.

Personnel must be trained in at least the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

- An overview of what is in the SWPPP;
- Spill response procedures, good housekeeping, maintenance requirements, and material management practices;
- The location of all controls on the site required by this permit, and how they are to be maintained;
- The proper procedures to follow with respect to the permit's pollution prevention requirements; and

- When and how to conduct inspections, record applicable findings, and take corrective actions.

2.1.2.9 ***Non-Stormwater Discharges.*** You must evaluate for the presence of non-stormwater discharges. Any non-stormwater discharges not explicitly authorized in Part 1.1.3 or covered by another TPDES permit must be eliminated. This includes vehicle and equipment/tank wash water (except for those authorized in Part 1.1.3.3 for Sectors G, H, and J). If not covered under a separate TPDES permit, wastewater, wash water and any other unauthorized non-stormwater must be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or otherwise disposed of appropriately.

2.1.2.10 ***Waste, Garbage and Floatable Debris.*** You must ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.

2.1.2.11 ***Dust Generation and Vehicle Tracking of Industrial Materials.*** You must minimize generation of dust and off-site tracking of raw, final, or waste materials in order to minimize pollutant discharges.

2.1.3 Numeric Effluent Limitations Based on Effluent Limitations Guidelines.

If you are in an industrial category subject to one of the effluent limitations guidelines identified in Table 6-1 (see Part 6.2.2.1), you must meet the effluent limits referenced in Table 2-1 below:

Table 2-1. Applicable Effluent Limitations Guidelines		
Regulated Activity	40 CFR Part/Subpart	Effluent Limit
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	See Part 8.1.7
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	See Part 8.3.4
Runoff from asphalt emulsion facilities	Part 443, Subpart A	See Part 8.4.4
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	See Part 8.5.5
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, or D	See Part 8.10.9
Runoff from hazardous waste landfills	Part 445, Subpart A	See Part 8.11.6
Runoff from non-hazardous waste landfills	Part 445, Subpart B	See Part 8.12.10
Runoff from coal storage piles at steam electric generating facilities	Part 423	See Part 8.15.8

2.2 Water Quality-Based Effluent Limitations.

2.2.1 Water Quality Standards

Your discharge must be controlled as necessary to meet applicable water quality standards.

VIDPNR expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time you become aware, or VIDPNR determines, that your discharge causes or contributes to an exceedance of applicable water quality standards, you must take corrective action as required in Part 4.1, document the corrective actions as required in Parts 4.4, and report the corrective actions to VIDPNR as required in Part 7.2.

Additionally, VIDPNR may impose additional water quality-based limitations on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI, required reports, or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. You must implement all measures necessary to be consistent with an available wasteload allocation in an EPA established or approved TMDL.

2.2.2 Discharges to Water Quality Impaired Waters.

You are considered to discharge to an impaired water if the first water of the USVI to which you discharge is identified by VIDPNR as not meeting an applicable water quality standard, and:

- Requires development of a TMDL (pursuant to section 303(d) of the CWA);
- Is addressed by a VIDPNR-approved or established TMDL; or
- Is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1).

Note: For discharges that enter a separate storm sewer system prior to discharge, the first water of the U.S. to which you discharge is the waterbody that receives the water from the storm sewer system.

2.2.2.1 Existing Discharge to an Impaired Waterbody with an Established TMDL. If you discharge to an impaired waterbody with a VIDPNR approved or established TMDL, VIDPNR will inform you if any additional limits or controls are necessary for your discharge to be consistent with the assumptions and requirements of any available wasteload allocation in the TMDL, or if coverage under an individual permit is necessary in accordance with Part 1.2.3.

2.2.2.2 Existing Discharge to an Impaired Waterbody without an Established TMDL. If you discharge to an impaired waterbody without a VIDPNR approved or

established TMDL, you are required to comply with Part 2.2.1 and the monitoring requirement of Part 6.2.3.1. Note that this provision also applies to situations where VIDPNR determines that your discharge is not controlled as necessary to meet water quality standards in a downstream water segment, even if your discharge is to a receiving water that is not specifically identified on a Section 303(d) list.

2.2.2.3 *New Discharge to an Impaired Waterbody.* If your authorization to discharge under this permit relied on Part 1.1.4.8 for a new discharge to an impaired waterbody, you must implement and maintain any control measures or conditions on your site that enabled you to become eligible under Part 1.1.4.8, and modify such measures or conditions as necessary pursuant to any Part 4 corrective actions. You are also required to comply with Part 2.2.1 and the monitoring requirements of Parts 6.2.3.1.

2.2.3 Antidegradation Requirements for New or Increased Dischargers.

If you are a new discharger or a new source (as defined in Appendix A), or an existing discharger required to notify VIDPNR of an increased discharge consistent with Part 7.7 (i.e., a “planned changes” report), depending on the Class of Territorial Water to which you discharge (see 12 V.I.R.R. §186-2 through §186-4), VIDPNR may notify you that additional analyses, control measures, or other permit conditions are necessary to comply with the applicable antidegradation requirements of 12 V.I.R.R. §186-7, or notify you that an individual permit application is necessary in accordance with Part 1.2.3.

2.3 Requirements Relating to Endangered Species & Historic Properties

If your eligibility under either Part 1.1.4.5 or Part 1.1.4.6 was made possible through your, or another operator’s, agreement to undertake additional measures, you must comply with all such measures to maintain eligibility under the VI MSGP.

Note that if at any time you become aware, or VIDPNR determines, that your discharges and/or discharge-related activities have the potential to adversely affect listed species and/or critical habitat, VIDPNR may inform you of the need to implement additional measures on a site-specific basis to meet the effluent limits in this permit, or require you to obtain coverage under an individual permit.

2.4 Requirements Relating to the National Environmental Policy Act (NEPA) Review

If your eligibility under Part 1.1.2.5 was made possible through your agreement to implement any mitigation measures as a result of the NEPA review process, you must comply with all such agreed-upon measures to maintain eligibility under the VI MSGP.

3. INSPECTIONS

3.1 Routine Facility Inspections.

During normal facility operating hours you must conduct inspections of areas of the facility covered by the requirements in this permit, including, but not limited to, the following:

- Areas where industrial materials or activities are exposed to stormwater;
- Areas identified in the SWPPP and those that are potential pollutant sources (see Part 5.2.3);
- Areas where spills and leaks have occurred in the past three years;
- Discharge points; and
- Control measures used to comply with the effluent limits contained in this permit.

Inspections must be conducted at least quarterly (i.e., once each calendar quarter) although in many instances, more frequent inspection (e.g., monthly) may be appropriate for some types of equipment, processes, and control measures or areas of the facility with significant activities and materials exposed to stormwater. At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is occurring.

Inspections must be performed by qualified personnel (as defined in Appendix A) with at least one member of your Stormwater Pollution Prevention Team participating. Inspectors must consider the results of visual and analytical monitoring (if any) for the past year when planning and conducting inspections.

During the inspection you must examine or look out for the following:

- Industrial materials, residue or trash that may have or could come into contact with stormwater;
- Leaks or spills from industrial equipment, drums, tanks and other containers;
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
- Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas;

- Control measures needing replacement, maintenance or repair.

During an inspection occurring during a stormwater event or discharge, control measures implemented to comply with effluent limits must be observed to ensure they are functioning correctly. Discharge points, as defined in Appendix A, must also be observed during this inspection. If such discharge locations are inaccessible, nearby downstream locations must be inspected.

3.1.1 Exceptions to Routine Facility Inspections for Inactive and Unstaffed Sites.

The requirement to conduct facility inspections on a routine basis does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. Such a facility is only required to conduct an annual comprehensive site inspection in accordance with the requirements of Part 3.1. To invoke this exception, you must indicate that your facility is inactive and unstaffed on your NOI. If you are already covered under the permit and your facility has changed from active to inactive and unstaffed, you must modify and re-certify your NOI. You must also include a statement in your SWPPP pursuant to Part 5.2.5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Appendix B, Subsection 11. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately resume quarterly facility inspections. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part 5.5.

Inactive and unstaffed facilities covered under Part 8.7 (Sector G: Metal Mining), 8.8 (Sector H: Coal Mines and Coal Mining-Related Facilities), and 8.10 (Sector J: Non-Metallic Mineral Mining and Dressing), are not required to meet the “no industrial materials or activities exposed to stormwater” standard to be eligible for this exception from routine inspections, consistent with the requirements established in Parts 8.7.8.4, 8.8.8.1, and 8.10.8.1.

3.1.2 Routine Facility Inspection Documentation.

You must document the findings of your facility inspections and maintain this documentation onsite with your SWPPP as required in Part 5.5. You are not required to submit your routine facility inspection findings to VIDPNR, unless specifically requested to do so. However, you must summarize your findings in the annual report per Part 7.5. At a minimum, your documentation of each routine facility inspection must include:

- The inspection date and time;

- The name(s) and signature(s) of the inspector(s);
- Weather information;
- All observations relating to the implementation of control measures at the facility, including:
 - A description of any discharges occurring at the time of the inspection;
 - Any previously unidentified discharges from and/or pollutants at the site;
 - Any evidence of, or the potential for, pollutants entering the drainage system;
 - Observations regarding the physical condition of and around all outfalls, including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water;
 - Any control measures needing maintenance, repairs, or replacement;
- Any additional control measures needed to comply with the permit requirements;
- Any incidents of noncompliance; and
- A statement, signed and certified in accordance with Appendix B, Subsection 11.

Any corrective action required as a result of a routine facility inspection must be performed consistent with Part 4 of this permit.

3.2 Quarterly Visual Assessment of Stormwater Discharges.

3.2.1 Quarterly Visual Assessment Procedures.

Once each quarter for the entire permit term, you must collect a stormwater sample from each outfall (except as noted in Part 3.2.3) and conduct a visual assessment of each of these samples. These samples are not required to be collected consistent with 40 CFR Part 136 procedures but must be collected in such a manner that the samples are representative of the stormwater discharge. Guidance on monitoring is available at <http://water.epa.gov/polwaste/npdes/stormwater/EPA-Multi-Sector-General-PermitMSGP.cfm>.

The visual assessment must be made:

- Of a sample in a clean, clear glass, or plastic container, and examined in a well-lit area;

- On samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take samples within the first 30 minutes; and
- For storm events, on discharges that occur at least 72 hours (3 days) from the previous discharge. The 72-hour (3-day) storm interval does not apply if you document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period.

You must visually inspect the sample for the following water quality characteristics:

- Color;
- Odor;
- Clarity (diminished);
- Floating solids;
- Settled solids;
- Suspended solids;
- Foam;
- Oil sheen; and
- Other obvious indicators of stormwater pollution.

Whenever the visual assessment shows evidence of stormwater pollution, you must initiate the corrective action procedures in Part 4.

3.2.2 Quarterly Visual Assessment Documentation.

You must document the results of your visual assessments and maintain this documentation onsite with your SWPPP as required in Part 5.5. You are not required to submit your visual assessment findings to VIDPNR, unless specifically requested to do so. However, you must summarize your findings in the annual report per Part 7.5. At a minimum, your documentation of the visual assessment must include:

- Sample location(s)
- Sample collection date and time, and visual assessment date and time for each sample;
- Personnel collecting the sample and performing visual assessment, and their signatures;
- Nature of the discharge (i.e., runoff, etc.);
- Results of observations of the stormwater discharge;
- Probable sources of any observed stormwater contamination,
- If applicable, why it was not possible to take samples within the first 30 minutes.
- A statement, signed and certified in accordance with Appendix B, Subsection 11.

Any corrective action required as a result of a quarterly visual assessment must be performed consistent with Part 4 of this permit.

3.2.3 Exceptions to Quarterly Visual Assessments.

Adverse Weather Conditions: When adverse weather conditions prevent the collection of samples during the quarter, you must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with your SWPPP records as described in Part 5.5. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical, such as drought conditions.

Climates with Irregular Stormwater Runoff: If your facility is located in an area where limited rainfall occurs during many parts of the year (e.g., arid or semi-arid climate) that prevent runoff from occurring for extended periods, then your samples for the quarterly visual assessments may be distributed during seasons when precipitation runoff occurs.

Inactive and unstaffed sites: The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must maintain a statement in your SWPPP as required in Part 5.2.5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Appendix B, Subsection 11. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately resume quarterly visual assessments. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part 5.5.

Inactive and unstaffed facilities covered under Part 8.7 (Sector G: Metal Mining), 8.8 (Sector H: Coal Mines and Coal Mining-Related Facilities), and 8.10 (Sector J: Non-Metallic Mineral Mining and Dressing), are not required to meet the “no industrial materials or activities exposed to stormwater” standard to be eligible for this exception from quarterly visual assessment, consistent with the requirements established in Parts 8.7.8.4, 8.8.8.1, and 8.10.8.1.

Substantially identical outfalls: If your facility has two or more outfalls that you believe discharge substantially identical effluents, as documented in Part 5.2.5.3, you may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you

perform visual assessments on a rotating basis of each substantially identical outfall throughout the period of your coverage under this permit.

If stormwater contamination is identified through visual assessment performed at a substantially identical outfall, you must assess and modify your control measures as appropriate for each outfall represented by the monitored outfall.

4. CORRECTIVE ACTIONS

4.1 Conditions Requiring Review and Revision to Eliminate Problem

When any of the following conditions occur or are detected during an inspection, monitoring or other means, or VIDPNR informs you that any of the following conditions have occurred, you must review and revise, as appropriate, your SWPPP (e.g., sources of pollution; spill and leak procedures; non-stormwater discharges; the selection, design, installation, and implementation of your control measures) so that this permit's effluent limits are met and pollutant discharges are minimized:

- An unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another TPDES permit) occurs at your facility;
- A discharge violates a numeric effluent limit listed in Table 2-1 and in your Part 8 sector-specific requirements;
- You become aware, or VIDPNR determines, that your control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent limits in this permit;
- A required control measure was never installed, was installed incorrectly, or not in accordance with Parts 2 and/or 8, or is not being properly operated or maintained.
- Whenever a visual assessment shows evidence of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam).

4.2 Conditions Requiring Review to Determine if Modifications Are Necessary

If any of the following conditions occur, you must review your SWPPP (e.g., sources of pollution, spill and leak procedures, non-stormwater discharges, selection, design, installation and implementation of your control measures) to determine if modifications are necessary to meet the effluent limits in this permit:

- Construction or a change in design, operation, or maintenance at your facility that significantly changes the nature of pollutants discharged in stormwater from your facility, or significantly increases the quantity of pollutants discharged.
- The average of four quarterly sampling results exceeds an applicable benchmark (see Part 6.2.1.2). If less than four benchmark samples have been taken, but the results are such that an exceedance of the four quarter average is mathematically certain (i.e., if

the sum of quarterly sample results to date is more than four times the benchmark level) this is considered a benchmark exceedance, triggering this review.

Note: A benchmark exceedance does not trigger a corrective action if you determine that the exceedance is solely attributable to natural background sources, or if you make a finding that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice (see Part 6.2.1.2).

Note: When run-on to your facility causes a benchmark exceedance, in addition to reviewing and revising, as appropriate, your SWPPP, you should notify the other operators contributing run-on to your discharges to abate their pollutant contribution. Where the other operators fail to take action to address the stormwater run-on, you should contact VIDPNR.

4.3 Corrective Actions and Deadlines.

4.3.1 Immediate Actions.

If corrective action is needed, you must immediately take all reasonable steps necessary to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events.

Note: In this context, the term “immediately” requires you to, on the same day a condition requiring corrective action is found, take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if a problem is identified at a time in the work day when it is too late to initiate corrective action, the initiation of corrective action must begin no later than the following work day. “All reasonable steps” means that the permittee has undertaken initial actions to assess and address the condition causing the corrective action, including, for example, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new BMP to be installed at a later date. “All reasonable steps” for purposes of complying with Part 4.2 Conditions Requiring SWPPP Review to Determine if Modifications Are Necessary, when you conclude a corrective action is, in fact, not necessary, could include documenting why a corrective action is unnecessary.

4.3.2 Subsequent Actions.

If you determine that additional actions are necessary beyond those implemented pursuant to Part 4.3.1, you must complete the corrective actions (e.g., install a new or modified control and make it operational, complete the repair) before the next storm event if possible, and within 14 calendar days from the time of discovery of the corrective action condition. If it is infeasible to complete the corrective action within 14 calendar

days, you must document why it is infeasible to complete the corrective action within the 14-day timeframe. You must also identify your schedule for completing the work, which must be done as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. If the completion of corrective action will exceed the 45 day timeframe, you may take the minimum additional time necessary to complete the corrective action, provided that you notify VIDPNR of your intention to exceed 45 days, your rationale for an extension, and a completion date, which you must also include in your corrective action documentation (see Part 4.4). Where your corrective actions result in changes to any of the controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within 14 calendar days of completing corrective action work.

These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements do not persist indefinitely.

4.4 Corrective Action Documentation.

You must document the existence of any of the conditions listed in Parts 4.1 or 4.2 within 24 hours of becoming aware of such condition. You are not required to submit your corrective action documentation to VIDPNR, unless specifically requested to do so. However, you must summarize your findings in the annual report per Part 7.5. Include the following information in your documentation:

- Description of the condition triggering the need for corrective action review. For any spills or leaks, include the following information: a description of the incident including material, date/time, amount, location, and reason for spill, and any leaks, spills or other releases that resulted in discharges of pollutants to waters of USVI, through stormwater or otherwise;
- Date the condition was identified;
- Description of immediate actions taken pursuant to Part 4.3.1 to minimize or prevent the discharge of pollutants. For any spills or leaks, include response actions, the date/time clean-up completed, notifications made, and staff involved. Also include any measures taken to prevent the reoccurrence of such releases (see Part 2.1.2.4); and
- A statement, signed and certified in accordance with Appendix B, Subsection 11.

You must also document the corrective actions taken or to be taken as a result of the conditions listed in Part 4.1 or 4.2 (or, for triggering events in Part 4.2 where you determine that corrective action is not necessary, the basis for this determination) within 14 days from the time of discovery of any of those conditions. Provide the dates when each corrective action was initiated and completed (or is expected to be completed). If

applicable, document why it is infeasible to complete the necessary installations or repairs within the 14-day timeframe and document your schedule for installing the controls and making them operational as soon as practicable after the 14-day timeframe. If you notified VIDPNR regarding an extension of the 45 day timeframe, you must document your rationale for an extension.

4.5 Effect of Corrective Action

If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. VIDPNR will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

4.6 Substantially Identical Outfalls

If the event triggering corrective action is associated with an outfall that had been identified as a “substantially identical outfall” (see Parts 3.2.3 and 6.1.1), your review must assess the need for corrective action for all related substantially identical outfalls. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event. Any corrective actions must be conducted within the timeframes set forth in Part 4.3.

5. STORMWATER POLLUTION PREVENTION PLAN (SWPPP).

You must prepare a SWPPP for your facility **before** submitting your Notice of Intent (NOI) for permit coverage. If you prepared a SWPPP for coverage under a previous TPDES permit, you must review and update the SWPPP to implement all provisions of this permit prior to submitting your NOI. The SWPPP does not contain effluent limitations; such limitations are contained in Part 2 and 8 of the permit. The SWPPP is intended to document the selection, design, and installation of control measures to meet the permit's effluent limits. As distinct from the SWPPP, the additional documentation requirements (see Part 5.5) are intended to document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to VIDPNR or EPA after issuance of this permit via any means, including Notice of Intent (NOI) to be covered by the permit, the SWPPP, during an inspection, etc.

5.1 Person(s) Responsible for SWPPP Preparation.

The SWPPP shall be prepared in accordance with good engineering practices and to industry standards. The SWPPP may be developed by either a person on your staff or a third party you hire, but it must be developed by a “qualified person” and must be

certified per the signature requirements in Part 5.2.7. If VIDPNR concludes that the SWPPP is not in compliance with Part 5.2 of this permit, VIDPNR may require the SWPPP to be reviewed, amended as necessary, and certified by a Professional Engineer, or for Sector G, H or J, by a Professional Geologist, with the education and experience necessary to prepare an adequate SWPPP.

Note: A “qualified person” is a person knowledgeable in the principles and practices of industrial stormwater controls and pollution prevention, and possesses the education and ability to assess conditions at the industrial facility that could impact stormwater quality, and the education and ability to assess the effectiveness of stormwater controls selected and installed to meet the requirements of the permit

5.2 Contents of Your SWPPP.

For coverage under this permit, your SWPPP must contain all of the following elements:

- Stormwater Pollution Prevention Team (see Part 5.2.1);
- Site description (see Part 5.2.2);
- Summary of potential pollutant sources (see Part 5.2.3);
- Description of control measures (see Part 5.2.4);
- Schedules and procedures (see Part 5.2.5);
- Documentation to support eligibility considerations under other federal and territorial laws (see Part 5.2.6); and
- Signature requirements (see Part 5.2.7).

Where your SWPPP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan or an Environmental Management System (EMS) developed for a National Environmental Performance Track facility, copies of the relevant portions of those documents must be kept with your SWPPP.

5.2.1 Stormwater Pollution Prevention Team.

You must identify the staff members (by name or title) that comprise the facility’s Stormwater Pollution Prevention Team as well as their individual responsibilities. Your Stormwater Pollution Prevention Team is responsible for assisting the facility manager in developing and revising the facility’s SWPPP as well as maintaining control measures and taking corrective actions where required. Each member of the Stormwater Pollution Prevention Team must have ready access to either an electronic or paper copy of applicable portions of this permit, your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

5.2.2 Site Description.

Your SWPPP must include the following:

- *Activities at the Facility.* Provide a description of the nature of the industrial activities at your facility.
- *General location map.* Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility and all receiving waters for your stormwater discharges.
- *Site map.* Provide a map showing:
 - boundaries of the property and the size of the property in acres;
 - the location and extent of significant structures and impervious surfaces;
 - directions of stormwater flow (use arrows);
 - locations of all existing structural control measures;
 - locations of all receiving waters, including guts and wetlands, in the immediate vicinity of your facility, indicating if any of the waters are Class A waters or impaired and, if so, whether the waters have TMDLs established for them;
 - locations of all stormwater conveyances including ditches, pipes, and swales;
 - locations of potential pollutant sources identified under Part 5.2.3.2;
 - locations where significant spills or leaks identified under Part 5.2.3.3 have occurred;
 - locations of all stormwater monitoring points;
 - locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall 001, 002, etc), indicating if you are treating one or more outfalls as “substantially identical” under Parts 3.2.3, 5.2.5.3, and 6.1.1, and an approximate outline of the areas draining to each outfall;
 - municipal separate storm sewer systems (MS4s), if your stormwater discharges to them;
 - locations and descriptions of all non-stormwater discharges identified under Part 2.1.2.9;
 - Areas of designated critical habitat for endangered or threatened species, if applicable;
 - locations of the following activities where such activities are exposed to precipitation:
 - fueling stations;
 - vehicle and equipment maintenance and/or cleaning areas;
 - loading/unloading areas;
 - locations used for the treatment, storage, or disposal of wastes;
 - liquid storage tanks;
 - processing and storage areas;
 - immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
 - transfer areas for substances in bulk;

- machinery; and
- locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

5.2.3 Summary of Potential Pollutant Sources.

You must document areas at your facility where industrial materials or activities are exposed to stormwater and from which allowable non-stormwater discharges originate. *Industrial materials or activities* include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. *Material handling activities* include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For structures located in areas of industrial activity, you must be aware that the structures themselves are potential sources of pollutants. This could occur, for example, when metals such as aluminum or copper are leached from the structures as a result of acid rain.

For each area identified, the description must include:

- 5.2.3.1 **Activities in the area.** A list of the industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).
- 5.2.3.2 **Pollutants.** A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, and cleaning solvents) associated with each identified activity, which could be exposed to rainfall and could be discharged from your facility. The pollutant list must include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to stormwater in the three years prior to the date you prepare or amend your SWPPP.
- 5.2.3.3 **Spills and Leaks.** You must document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. You must document all significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the three years prior to the date you prepare or amend your SWPPP.

Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

5.2.3.4 **Unauthorized Non-Stormwater Discharges.** You must document that you have evaluated for the presence of unauthorized non-stormwater discharges (see Part 1.1.3 for the exclusive list of authorized non-stormwater discharges under this permit).

Documentation of your evaluation must include:

- The date of any evaluation;
- A description of the evaluation criteria used;
- A list of the outfalls or onsite drainage points that were directly observed during the evaluation; and
- The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), or documentation that a separate TPDES permit was obtained. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or a TPDES permit application was submitted for an unauthorized cooling water discharge.

5.2.3.5 **Salt Storage.** You must document the location of any storage piles containing salt used for any commercial or industrial purposes.

5.2.3.6 **Sampling Data.** Existing dischargers must summarize all stormwater discharge sampling data collected at your facility during the previous permit term. The summary shall include a narrative description (and may include data tables/figures) that adequately summarizes the collected sampling data to support identification of potential pollution sources at your facility. New dischargers and new sources must provide a summary of any available stormwater runoff data they may have.

5.2.4 **Description of Control Measures to Meet Technology-Based and Water Quality-Based Effluent Limits.**

. You must document the location and type of control measures you have specifically chosen and or designed to comply with:

- non-numeric effluent limits in Part 2.1.2;
- applicable numeric effluent limitations guidelines-based limits in Part 2.1.3 and Part 8;
- water quality-based effluent limits in Part 2.2;
- any additional measures that formed the basis of eligibility regarding threatened and endangered species and/or historic property requirements in Part 2.3;
- Applicable effluent limits in Part 8;
- Regarding your control measures, you must also document, as appropriate:
 - how you addressed the selection and design considerations in Part 2.1.1;

- how they address the pollutant sources identified in Part 5.2.3.

Effluent limit requirements in Part 2.1.2 that do not involve the site-specific selection of a control measure or are specific activity requirements (e.g., “cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe”) are marked with an asterisk (*). For the requirements marked with an asterisk, you may include extra information, or you may just “cut-and-paste” these effluent limits verbatim into your SWPPP without providing additional documentation.

5.2.5 Schedules and Procedures

5.2.5.1 *Pertaining to Control Measures Used to Comply with the Effluent Limits in Part 2.* The following must be documented in your SWPPP:

- Good Housekeeping (See Part 2.1.2.2) – A schedule or the convention used for determining when regular pickup and disposal of waste materials occurs, along with a schedule for routine inspections for leaks and conditions of drums, tanks and containers;
- Maintenance (See Part 2.1.2.3) – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all control measures to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line. The SWPPP shall include the schedule or frequency for maintaining all control measures used to comply with the effluent limits in Part 2;
- Spill Prevention and Response Procedures (See Part 2.1.2.4) – Procedures for preventing and responding to spills and leaks, including notification procedures. For preventing spills, include in your SWPPP the control measures for material handling and storage, and the procedures for preventing spills that can contaminate stormwater. Also specify cleanup equipment, procedures and spill logs, as appropriate, in the event of spills. You may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by a TPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part 5.4;
- Erosion and Sediment Controls (Part 2.1.2.5) - If you use polymers and/or other chemical treatments as part of your controls, you must identify the polymers and/or chemicals used and the purpose;

- Employee Training (Part 2.1.2.8) – The elements of your employee training plan shall include all, but not be limited to, the requirements set forth in Part 2.1.2.8, and also the following:
 - The content of the training;
 - The frequency/schedule of training for employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit;
 - A log of the dates on which specific employees received training.

5.2.5.2 ***Pertaining to Inspections and Assessments.*** You must document in your SWPPP your procedures for performing, as appropriate, the types of inspections specified by this permit, including:

- Routine facility inspections (see Part 3.1) and;
- Quarterly visual assessment of stormwater discharges (see Part 3.2).

For each type of inspection performed, your SWPPP must identify:

- Person(s) or positions of person(s) responsible for inspection;
- Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular stormwater runoff discharges (see Part 3.2.3);
- Specific items to be covered by the inspection, including schedules for specific outfalls.

If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, you must include in your SWPPP the information to support this claim as required by Parts 3.1.1 and 3.2.3.

5.2.5.3 ***Pertaining to Monitoring.*** You must document in your SWPPP procedures for conducting the four types of analytical monitoring specified by this permit, where applicable to your facility, including:

- Benchmark monitoring (see Part 6.2.1);
- Effluent limitations guidelines monitoring (see Part 6.2.2);
- Impaired waters monitoring (see Part 6.2.3); and
- Other monitoring as required by VIDPNR (see Part 6.2.4).

For each type of monitoring, your SWPPP must document:

- Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
- Parameters for sampling and the frequency of sampling for each parameter;
- Schedules for monitoring at your facility, including schedule for alternate monitoring periods for climates with irregular stormwater runoff (see Part 6.1.6);
- Any numeric control values (benchmarks, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to discharges from each outfall; and
- Procedures (e.g., responsible staff, logistics, laboratory to be used, etc.) for gathering storm event data, as specified in Part 6.1.

If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring, you must include in your SWPPP the information to support this claim as required by Part 6.2.1.3 and 6.2.3.2.

You must document the following in your SWPPP if you plan to use the substantially identical outfall exception for your quarterly visual assessment requirements in Part 3.2.3 or your benchmark monitoring requirements in Parts 6.2.1 and 6.2.3.1 (see also Part 6.1.1):

- Location of each of the substantially identical outfalls;
- Description of the general industrial activities conducted in the drainage area of each outfall;
- Description of the control measures implemented in the drainage area of each outfall;
- Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges;
- An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%); and
- Why the outfalls are expected to discharge substantially identical effluents.

5.2.6 Documentation to Support Eligibility Considerations Under Other Federal and Territorial Laws.

5.2.6.1 ***Documentation Regarding Endangered and Threatened Species and Critical Habitat Protection.*** You must keep with your SWPPP the documentation supporting your determination with regard to Part 1.1.4.5 (Endangered and Threatened Species and Critical Habitat Protection).

5.2.6.2 **Documentation Regarding Historic Properties.** You must keep with your SWPPP the documentation supporting your determination with regard to Part 1.1.4.6 (Historic Properties Preservation).

5.2.7 Signature Requirements.

You must sign and date your SWPPP in accordance with Appendix B, Subsection 11, including the date of signature.

5.3 Required SWPPP Modifications.

You must modify your SWPPP based on the corrective actions and deadlines required under Part 4.3 and that you documented under Part 4.4. SWPPP modifications must be signed and dated in accordance with Appendix B, Subsection 11.

5.4 SWPPP Availability.

You must retain a copy of the current SWPPP required by this permit at the facility in any available format. A complete SWPPP includes any documents incorporated by reference and all documentation supporting your permit eligibility pursuant to Part 1.1 of this permit, as well as your signed and dated certification page. Regardless of the format, it must be immediately available to facility employees, VIDPNR, EPA, the operator of an MS4 receiving discharges from the site and representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) at the time of an onsite inspection or upon request. Your current SWPPP or certain information from your current SWPPP described below must also be made available to the public (except any confidential business information (CBI) or restricted information [as defined in Appendix A]), but you must clearly identify those portions of the SWPPP that are being withheld from public access; to do so, you must comply with one of the following two options:

5.4.1 SWPPP Posting on the Internet.

If you provide a URL in your NOI where your SWPPP can be found, and maintain your current SWPPP at this URL, you will have complied with the public availability requirements for the SWPPP. To remain current, you must post any SWPPP modifications, records and other reporting elements required for the previous year at the same URL as the main body of the SWPPP. The SWPPP update shall be no later than 45 days after conducting the final routine facility inspection for the year required in Part 3.1. If you did not provide a SWPPP URL in your NOI, you may reopen your NOI at any time subsequent to your original NOI submittal to add a URL where your current SWPPP can be found. You are not required to post any CBI or restricted information (as defined in Appendix A) (such information may be redacted), but you must clearly identify those portions of the SWPPP that are being withheld from public access. CBI may not be

withheld from those staff cleared for CBI review within VIDPNR, EPA, USFWS or NMFS.

5.4.2 SWPPP Information Provided on NOI Form.

If you did not provide a SWPPP URL in your NOI, your NOI must include the information required by Part 7.3. Irrespective of this requirement, VIDPNR may provide access to portions of your SWPPP to a member of the public upon request (except any CBI or restricted information (as defined in Appendix A)). To remain current, you must report any modifications to the SWPPP information required by Part 7.3 through submittal of an “Change NOI” form. The SWPPP update shall be no later than 45 days after conducting the final routine facility inspection for the year required in Part 3.1.

5.5 Additional Documentation Requirements.

You are required to keep the following inspection, monitoring, and certification records with your SWPPP that together keep your records complete and up-to-date, and demonstrate your full compliance with the conditions of this permit:

- A copy of the NOI submitted to VIDPNR along with any correspondence exchanged between you and VIDPNR specific to coverage under this permit;
- A copy of the acknowledgment letter you receive from VIDPNR assigning your TPDES permit tracking number;
- A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants to waters of the U.S. Virgin Islands, through stormwater or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent the recurrence of such releases (see Part 2.1.2.4);
- Records of employee training, including date training received (see Part 2.1.2.8);
- Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part 2.1.2.3);
- All inspection reports, including the Routine Facility Inspection Reports (see Part 3.1.2), the Quarterly Visual Assessment Reports (see Part 3.2.2);
- Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Parts 3.2.3 and 6.1.5);
- Description of any corrective action taken at your site required per Part 4.4;
- Documentation of any benchmark exceedances and how they were responded to, including either (1) corrective action taken, (2) a finding that the exceedance was due to natural background pollutant levels, (3) a determination by VIDPNR that

benchmark monitoring can be discontinued because the exceedance was due to run-on, or (4) a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice consistent with Part 6.2.1.2;

- Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge or were solely attributable to natural background sources (see Part 6.2.3.1); and
- Documentation to support your claim that your facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections (see Part 3.1.1), quarterly visual assessments (see Part 3.2.3), benchmark monitoring (see Part 6.2.1.3), and/or impaired waters monitoring (see Part 6.2.3.2).

6. MONITORING.

You must collect and analyze stormwater samples and document monitoring activities consistent with the procedures described in Part 6 and Appendix B, Subsections 10 – 12, and any additional sector-specific requirements in Part 8. Refer to Part 7 for reporting and recordkeeping requirements.

6.1 Monitoring Procedures

6.1.1 Monitored Outfalls.

Applicable monitoring requirements apply to each outfall authorized by this permit, except as otherwise exempt from monitoring as a “substantially identical outfall.” If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to stormwater, and runoff coefficients of their drainage areas, you may monitor the effluent of just one of the outfalls and report that the results also apply to the substantially identical outfall(s). As required in Part 5.2.5.3, your SWPPP must identify each outfall authorized by this permit and describe the rationale for any substantially identical outfall determinations. The allowance for monitoring only one of the substantially identical outfalls is not applicable to any outfalls with numeric effluent limitations. You are required to monitor each outfall covered by a numeric effluent limit as identified in Part 6.2.2.

6.1.2 Commingled Discharges.

If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable.

6.1.3 Measurable Storm Events.

All required monitoring must be performed on a storm event that results in an actual discharge from your site (“measurable storm event”) that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour (3-day) storm interval does not apply if you are able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period.

For each monitoring event you must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event.

6.1.4 Sample Type.

You must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part 6.1.3. Samples must be collected within the first 30 minutes of a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes.

6.1.5 Adverse Weather Conditions.

When adverse weather conditions as described in Part 3.2.3 prevent the collection of samples according to the relevant monitoring schedule, you must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt you from having to file a benchmark monitoring report in accordance with your sampling schedule. As specified in Part 7.4, you must use NetDMR to report any failure to monitor using a "no data" or "NODI" code during the regular reporting period.

6.1.6 Climates with Irregular Stormwater Runoff.

If your facility is located in areas where limited rainfall occurs during parts of the year (e.g., arid or semi-arid climates), required monitoring events may be distributed during seasons when precipitation occurs. You must still collect the required number of samples.

6.1.7 Monitoring Periods.

Monitoring requirements in this permit begin in the first full quarter following the date of discharge authorization. If your monitoring is required on a quarterly basis (e.g., benchmark monitoring), you must monitor at least once in each of the following 3-month intervals:

- January 1 – March 31;
- April 1 – June 30;
- July 1 – September 30; and

- October 1 – December 31.

This monitoring schedule may be modified in accordance with Part 6.1.6 if the revised schedule is documented with your SWPPP and provided to VIDPNR with your first monitoring report. However, when using NetDMR you must report using a "no data" or "NODI" code for any 3-month interval that you did not take a sample.

6.1.8 Monitoring for Allowable Non-Stormwater Discharges.

You are only required to monitor allowable non-stormwater discharges (as delineated in Part 1.1.3) when they are commingled with stormwater discharges associated with industrial activity.

6.1.9 Monitoring Reports.

Monitoring data must be submitted in both paper form and reported using EPA's electronic NetDMR tool at www.epa.gov/netdmr, as described in Part 7.4 (unless a waiver from electronic reporting has been granted from VIDPNR, in which case you may submit only a paper DMR form to the VIDPNR offices).

6.2 Required Monitoring.

This permit includes four types of required analytical monitoring, one or more of which may apply to your discharge:

- Quarterly benchmark monitoring (see Part 6.2.1)
- Annual effluent limitations guidelines monitoring (see Part 6.2.2);
- Impaired waters monitoring (see Part 6.2.3); and
- Other monitoring as required by VIDPNR (see Part 6.2.4).

When more than one type of monitoring for the same pollutant at the same outfall applies (e.g., total suspended solids once per year for an effluent limit and once per quarter for benchmark monitoring at a given outfall), you may use a single sample to satisfy both monitoring requirements (i.e., one sample satisfying both the annual effluent limit sample and one of the four quarterly benchmark monitoring samples).

All required monitoring must be conducted in accordance with the procedures described in Appendix B, Subsection 10.

6.2.1 Benchmark Monitoring.

This permit specifies pollutant benchmark concentrations that are applicable to certain sectors/subsectors. Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your control measures and to assist you in knowing when additional corrective action(s) may be necessary to comply with the effluent limitations in Part 2.

The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. However, if corrective action is required as a result of a benchmark exceedance, failure to conduct required corrective action is a permit violation.

At your discretion, more than four samples may be taken during separate runoff events and used to determine the average benchmark parameter concentration for facility discharges.

6.2.1.1 ***Applicability of Benchmark Monitoring.*** You must monitor for any benchmark parameters specified for the industrial sector(s), both primary industrial activity *and* any co-located industrial activities, applicable to your discharge. Your industry-specific benchmark concentrations are listed in the sector-specific sections of Part 8. If your facility is in one of the industrial sectors subject to benchmark concentrations that are hardness-dependent, you are required to submit to VIDPNR with your first benchmark report a hardness value, established consistent with the procedures in Appendix I, which is representative of your receiving water.

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which you are required to sample.

6.2.1.2 ***Benchmark Monitoring Schedule.*** Benchmark monitoring must be conducted quarterly, as identified in Part 6.1.7, for your first four full quarters of permit coverage. Facilities in climates with irregular stormwater runoff, as described in Part 6.1.6, may modify this quarterly schedule provided that this revised schedule is reported to VIDPNR when the first benchmark sample is collected and reported, and that this revised schedule is kept with the facility's SWPPP as specified in Part 5.5.

When conditions prevent you from obtaining four samples in four consecutive quarters, you must continue monitoring until you have the four samples required for calculating your benchmark monitoring average. As noted in Part 6.1.7, you must, when using NetDMR, report using a "no data" or "NODI" code for any 3-month interval that you did not take a sample.

Data not exceeding benchmarks: After collection of four quarterly samples, if the average of the four monitoring values for any parameter does not exceed the benchmark, you have fulfilled your monitoring requirements for that parameter for the permit term.

Data exceeding benchmarks: After collection of four quarterly samples, if the average of the four monitoring values for any parameter exceeds the benchmark, you must, in accordance with Part 4, review the selection, design,

installation, and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in this permit, and either:

- Make the necessary modifications and continue quarterly monitoring until you have completed 4 additional quarters of monitoring for which the average does not exceed the benchmark; or
- Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limits or are necessary to meet the water-quality-based effluent limitations in Parts 2.1 and 2.2 of this permit, in which case you must continue monitoring once per year. You must also document your rationale for concluding that no further pollutant reductions are achievable, and submit it to VIDPNR for approval. You must also retain all records related to this documentation with your SWPPP.

In accordance with Part 4, you must review your control measures and perform any required corrective action immediately (or document why no corrective action is required), without waiting for the full four quarters of monitoring data, if an exceedance of the four quarter average is mathematically certain. If after modifying your control measures and conducting four additional quarters of monitoring, your average still exceeds the benchmark (or if an exceedance of the benchmark by the four quarter average is mathematically certain prior to conducting the full four additional quarters of monitoring), you must again review your control measures and take one of the two actions above.

Natural background pollutant levels: Following the first four quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than four quarters of data, see above), if the average concentration of a pollutant exceeds a benchmark value, and you determine that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, you are not required to perform corrective action or additional benchmark monitoring provided that:

- The average concentration of your benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background;
- You document and maintain with your SWPPP, as required in Part 5.5, your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your stormwater discharge; and

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include

legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring, such as other industrial sites or roadways. However, VIDPNR may determine that you are eligible to discontinue monitoring for pollutants that occur solely from run-on sources.

6.2.1.3 ***Exception for Inactive and Unstaffed Sites.*** The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must do the following:

- Maintain a statement onsite with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in 12 V.I.R.R. 184-45(h) and 40 CFR 122.26(g) and sign and certify the statement in accordance with Appendix B, Subsection 11; and
- If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements under Part 6.2 as if you were in your first year of permit coverage. You must indicate in your NOI that your facility has materials or activities exposed to stormwater or has become active and/or staffed.
- If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must notify VIDPNR of this change in your NOI. You may discontinue benchmark monitoring once you have notified VIDPNR, and prepared and signed the certification statement described above concerning your facility's qualification for this special exception.

Note: This exception has different requirements for Sections 8.7, 8.8, and 8.10 (Sectors G, H, and J, respectively).

6.2.2 Effluent Limitations Monitoring.

6.2.2.1 ***Monitoring Based on Effluent Limitations Guidelines.*** Table 6-1 identifies the stormwater discharges subject to effluent limitation guidelines that are authorized for coverage under this permit. An exceedance of the effluent limitation is a permit violation. Beginning in the first full quarter following your date of discharge authorization, you must monitor once per year at each outfall containing the discharges identified in Table 6-1 for the parameters specified in the sector-specific section of Part 8.

Table 6-1. Required Monitoring for Effluent Limits Based on Effluent Limitations Guidelines

Regulated Activity	Effluent Limit	Monitoring Frequency	Sample Type
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	See Part 8.1.7	1/year	Grab
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	See Part 8.3.4	1/year	Grab
Runoff from asphalt emulsion facilities	See Part 8.4.4	1/year	Grab
Runoff from material storage piles at cement manufacturing facilities	See Part 8.5.5	1/year	Grab
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	See Part 8.10.9	1/year	Grab
Runoff from hazardous waste landfills	See Part 8.11.6	1/year	Grab
Runoff from non-hazardous waste landfills	See Part 8.12.10	1/year	Grab
Runoff from coal storage piles at steam electric generating facilities	See Part 8.15.8	1/year	Grab

6.2.2.2 **Substantially Identical Outfalls.** You must monitor each outfall discharging runoff from any regulated activity identified in Table 6-1. The substantially identical outfall monitoring provisions are not available for numeric effluent limits monitoring.

6.2.2.3 **Follow-up Actions If Discharge Exceeds Numeric Effluent Limitation.** If any monitoring value exceeds a numeric effluent limitation contained in this permit, you must indicate the exceedance on a “Change NOI” form in the NPDES eReporting Tool (NeT), and you must conduct follow-up monitoring within 30 calendar days (or during the next qualifying runoff event, should none occur within 30 days) of implementing corrective action(s) taken per Part 4. When your follow-up monitoring exceeds the applicable effluent limitation, you must:

- **Submit an Exceedance Report:** You must submit an Exceedance Report no later than 30 days after you have received your laboratory result consistent with Part 7.6; and
- **Continue to Monitor:** You must monitor, at least quarterly, until your discharge is in compliance with the effluent limit or until VIDPNR waives the requirement for additional monitoring. Once your discharge is back in compliance with the effluent limitation you must indicate this on a “Change NOI” form per Part 7.4.

6.2.3 Discharges to Impaired Waters Monitoring.

Note: For the purposes of this permit, your project is considered to discharge to an impaired water if the first water of the USVI to which you discharge is identified by VIDPNR pursuant to section 303(d) of the CWA as not meeting an applicable water quality standard, or has been removed from the 303(d) list either because the impairments are addressed by a VIDPNR-approved or established TMDL or is covered by pollution control requirements that meet the requirements of 40 CFR 130.7(b)(1). For discharges that enter a separate storm sewer system prior to discharge, the first water of the USVI to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system.

6.2.3.1 *Permittees Required to Monitor Discharges to Impaired Waters.*

Discharges to impaired waters without a VIDPNR approved or established TMDL: Beginning in the first full quarter following your date of discharge authorization, you must monitor all pollutants for which the waterbody is impaired and for which a standard analytical method exists (see 40 CFR Part 136) once per year at each outfall (except substantially identical outfalls) discharging stormwater to impaired waters without a VIDPNR approved or established TMDL.

If the pollutant for which the waterbody is impaired is suspended solids, turbidity or sediment/sedimentation, you must monitor for Total Suspended Solids (TSS). If the pollutant for which the waterbody is impaired is expressed in the form of an indicator or surrogate pollutant, you must monitor for that indicator or surrogate pollutant. No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, temperature, or other non-pollutant..

If the pollutant of concern is not detected and not expected to be present in your discharge, or it is detected but you have determined that its presence is caused solely by natural background sources, you may discontinue monitoring for that pollutant. To support a determination that the pollutant's presence is caused solely by natural background sources, you must document and maintain the following documentation with your SWPPP records, as required by Part 5.5:

- An explanation of why you believe that the presence of the pollutant of concern in your discharge is not related to the activities or materials at your facility; and
- Data and/or studies that tie the presence of the pollutant of concern in your discharge to natural background sources in the watershed.

Natural background pollutants include those that occur naturally as a result of native soils, and vegetation, wildlife, or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring. However, you may be eligible to discontinue annual monitoring for pollutants that occur solely from these sources and should consult VIDPNR for related guidance.

Discharges to impaired waters with a VIDPNR approved or established TMDL: For stormwater discharges to waters for which there is a VIDPNR approved or established TMDL, you are not required to monitor for the pollutant for which the TMDL was written unless VIDPNR informs you, upon examination of the applicable TMDL and its wasteload allocation (WLA), that you are subject to such a requirement consistent with the assumptions of the applicable TMDL and its WLA. VIDPNR's notice will include specifications on monitoring parameters and frequency. Permittees must consult VIDPNR for guidance regarding required monitoring under this Part.

6.2.3.2 ***Exception for Inactive and Unstaffed Sites.*** The requirement for impaired waters monitoring does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must do the following:

- Maintain a statement with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in 12 V.I.R.R. 184-45(h) and 40 CFR 122.26(g) and sign and certify the statement in accordance with Appendix B, Subsection 11.
- If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable impaired waters monitoring requirements under Part 6.2 as if you were in your first year of permit coverage. You must indicate in a "Change NOI" form per Part 7.4 that your facility has materials or activities exposed to stormwater or has become active and/or staffed.
- If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must notify VIDPNR of this change on your NOI form. You may discontinue impaired waters monitoring once you have notified VIDPNR, and prepared and signed the certification statement described above concerning your facility's qualification for this special exception.

Note: This exception has different requirements for Sections 8.7, 8.8, and 8.10 (Sectors G, H, and J, respectively).

6.2.4 Additional Monitoring Required by VIDPNR.

VIDPNR may notify you of additional discharge monitoring requirements. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

7. REPORTING AND MONITORING

7.1 Electronic Reporting Requirement

You must submit all Annual Reports, Discharge Monitoring Reports (DMRs), and other reporting information as appropriate electronically, unless you have received a waiver from VIDPNR based on one of the following conditions:

- If your headquarters is physically located in a geographic area (i.e., zip code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or
- If you have limitations regarding available computer access or computer capability.

Waivers are only granted for a one-time use for a single information submittal, i.e., an initial waiver does not apply for the entire term of the permit. If you need to submit information on paper after your first waiver, you must apply for a new waiver. However, waivers may be extended on a case-by-case basis by VIDPNR.

If you wish to obtain a waiver from submitting a report electronically, you must submit a request to VIDPNR. VIDPNR contact information can be found in Part 7.9.1 of this permit. In that request you must document which exemption you meet, provide evidence supporting any claims, and a copy of your completed NOI form. A waiver may only be considered granted once you receive written confirmation from VIDPNR.

7.2 Submitting Information to VIDPNR.

Some reporting information required to be submitted by this permit shall be submitted via EPA's electronic NPDES eReporting tool (NeT), unless the permit states otherwise or unless a waiver has been granted per Part 7.1

Information required to be submitted to VIDPNR via EPA's electronic NPDES eReporting tool (NeT):

- Annual Report (Part 7.5);

- Discharge Monitoring Reports (DMR) (Part 7.4);

Note: DMRs are required to be submitted using EPA's NetDMR system, available at www.epa.gov/netdmr.

If you are given a waiver by VIDPNR to submit information in paper form, you must utilize the required forms found in the Appendices.

Information required to be submitted to VIDPNR at the address in Part 7.9.1:

- Notice of Intent (Part 1.2);
- No Exposure Certification (Part 1.4);
- Notice of Termination (Part 1.3);
- New Dischargers and New Sources to Water Quality-Impaired Waters (Part 1.1.4.8);
- Exceedance Report for Numeric Effluent Limitations (Part 7.6); and
- Additional Reporting (Part 7.7)

7.3 Additional SWPPP Information Required in Your NOI.

If you did not provide a SWPPP URL in your NOI per Part 5.4.1, your NOI must include the additional SWPPP information as follows:

- Onsite industrial activities exposed to stormwater, including potential spill and leak areas (see Parts 5.2.3.1, 5.2.3.3 and 5.2.3.5);
- Pollutants or pollutant constituents associated with each industrial activity exposed to stormwater that could be discharged in stormwater and/or any authorized non-stormwater discharges listed in Part 1.1.3 (see Part 5.2.3.2);
- Stormwater control measures you employ to comply with the non-numeric technology-based effluent limits required in Part 2.1.2 and Part 8, and any other measures taken to comply with the requirements in Part 2.2 Water Quality - Based Effluent Limitations (see Part 5.2.4). If you use polymers and/or other chemical treatments as part of your controls, you must identify the polymers and/or chemicals used and the purpose; and
- Schedule for good housekeeping and maintenance (see Part 5.2.5.1) and schedule for all inspections required in Part 3 (see Part 5.2.5.2)

7.4 Reporting Monitoring Data to VIDPNR

All monitoring data collected pursuant to Part 6.2 must be submitted to VIDPNR using EPA's NetDMR system (available at www.epa.gov/netdmr) (unless a waiver from electronic reporting has been granted, in which case you may submit a paper DMR form)

no later than 30 days after you have received your complete laboratory results for all monitoring outfalls for the reporting period. Your monitoring requirements (i.e., parameters required to be monitored and sample frequency) will be pre-populated on your electronic Discharge Monitoring Report (DMR) form based on the information you reported on your NOI form. Accordingly, the following changes to your monitoring frequency must be reported to VIDPNR through the submittal of a revised NOI Form, which will trigger changes to your monitoring requirements in NetDMR:

- All benchmark monitoring requirements have been fulfilled for the permit term;
- All impaired waters monitoring requirements have been fulfilled for the permit term;
- Benchmark and/or impaired monitoring requirements no longer apply because your facility is inactive and unstaffed;
- Benchmark and/or impaired monitoring requirements now apply because your facility has changed from inactive and unstaffed to active and staffed;
- For Sector G2 (in Section 8.7) only: Discharges from waste rock and overburden piles have exceeded benchmark values;
- A numeric effluent limitation guideline has been exceeded;
- A numeric effluent limitation guideline exceedance is back in compliance.

Once monitoring requirements have been completely fulfilled, you are no longer required to report monitoring results using NetDMR. If you have only partially fulfilled your benchmark monitoring and/or impaired waters monitoring requirements (e.g., your four quarterly average is below the benchmark for some, but not all, parameters; you did not detect some, but not all, impairment pollutants), you must continue to use NetDMR to report your results, but you must report a “no data” or “NODI” code for any monitoring parameters that have been fulfilled.

If you have received a waiver per Part 7.1, paper reporting forms must be submitted by the same deadline.

For benchmark monitoring, note that you are required to submit sampling results to VIDPNR no later than 30 days after receiving your complete laboratory results for all monitored outfalls for each quarter that you are required to collect benchmark samples, per Part 6.2.1.2.

If you collect samples during multiple storm events in a single quarter (e.g., due to adverse weather conditions or climates with irregular stormwater runoff), you are required to submit all sampling results for each storm event to VIDPNR within 30 days of receiving all laboratory results for the event. Or, for any of your monitored outfalls that did not have a discharge within the reporting period, using NetDMR you must report using a “no data” or “NODI” code for that outfall no later than 30 days after the end of the reporting period.

7.5 Annual Report

You must submit an annual report to VIDPNR electronically, per Part 7.2, by January 30th for each year of permit coverage containing information generated from the past calendar year. You must include the following information in your annual report:

- A summary of your past year's routine facility inspection documentation required (Part 3.1.2).
- A summary of your past year's quarterly visual assessment documentation (see Part 3.2.2 of the permit);
- For any four-sample (minimum) average benchmark monitoring exceedance, if after reviewing the selection, design, installation, and implementation of your control measures and considering whether any modifications are necessary to meet the effluent limits in the permit, you determine that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice, your rationale for why you believe no further reductions are achievable (see Part 6.2.1.2 of the permit); and
- A summary of your past year's corrective action documentation (see Part 4.4). If corrective action is not yet completed at the time of submission of your annual report, you must describe the status of any outstanding corrective action(s). Also describe any incidents of noncompliance in the past year or currently ongoing, or if none, provide a statement that you are in compliance with the permit.

Your Annual Report must also include a statement, signed and certified in accordance with Appendix B, Subsection 11.

7.6 Exceedance Report for Numeric Effluent Limits

If follow-up monitoring pursuant to Part 6.2.2.3 exceeds a numeric effluent limit, you must submit an Exceedance Report to VIDPNR no later than 30 days after you have received your lab results. Your report must include the following:

- TPDES permit tracking number;
- Facility name, physical address and location;
- Name of receiving water;
- Monitoring data from this and the preceding monitoring event(s);
- An explanation of the situation; what you have done and intend to do (should your corrective actions not yet be complete) to correct the violation; and
- An appropriate contact name and phone number.

Send the Exceedance Report to the VIDPNR address listed in Part 7.9.1, and report the monitoring data through NetDMR.

7.7 Additional Reporting.

In addition to the reporting requirements stipulated in Part 7, you are also subject to the standard permit reporting provisions of Appendix B, Subsection 12.

You must submit the following reports to the VIDPNR address listed in Part 7.9.1. If you discharge through an MS4, you must also submit these reports to the MS4 operator (identified pursuant to Part 5.2.2).

- 24-hour reporting (see Appendix B, Subsection 12.f) - You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances;
- 5-day follow-up reporting to the 24 hour reporting (see Appendix B, Subsection 12.f) - A written submission must also be provided within five days of the time you become aware of the circumstances;
- Reportable quantity spills (see Part 2.1.2.4) - You must provide notification, as required under Part 2.1.2.4, as soon as you have knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity.
- Planned changes (see Appendix B, Subsection 12.a) – You must give notice to VIDPNR promptly, no fewer than 30 days prior to making any planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged;
- Anticipated noncompliance (see Appendix B, Subsection 12.b) – You must give advance notice to VIDPNR of any planned changes in the permitted facility or activity which you anticipate will result in noncompliance with permit requirements;
- Transfer of ownership and/or operation (see Appendix B, Subsection 12.c) – You must submit a complete and accurate NOI in accordance with the requirements of Appendix F of this permit and by the deadlines specified in Table 1-2;
- Compliance schedules (see Appendix B, Subsection 12.e) - Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date;
- Other noncompliance (see Appendix B, Subsection 12.g) - You must report all instances of noncompliance not reported in your annual report, compliance schedule report, or 24-hour report at the time monitoring reports are submitted; and

- Other information (see Appendix B, Subsection 12.h) – You must promptly submit facts or information if you become aware that you failed to submit relevant facts in your NOI, or that you submitted incorrect information in your NOI or in any report.

7.8 Recordkeeping.

You must retain copies of your SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part 5.5 (including documentation related to corrective actions taken pursuant to Part 4), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least three years from the date that your coverage under this permit expires or is terminated.

7.9 Addresses for Reports

7.9.1 VIDPNR Addresses

Paper copies of any reports required to be submitted other than through NeT in Part 6 and 7 must be sent to one of the following addresses:

St. Croix Office:

US Virgin Islands Department of Planning and Natural Resources
Water Pollution Control Program
ATTN: VI MSGP Reports
45 Mars Hill
Frederiksted, VI 00840

St. Thomas/St. John Office:

US Virgin Islands Department of Planning and Natural Resources
Water Pollution Control Program
ATTN: VI MSGP Reports
8100 Lindberg Bay, Ste. #61
Cyril E. King Airport 2nd Floor
St. Thomas, US Virgin Islands 00802

8. SECTOR-SPECIFIC REQUIREMENTS FOR INDUSTRIAL ACTIVITY

You must comply with the requirements applicable to your industrial sector(s) in this Part, in addition to the requirements applicable to all facilities in Parts 1 through 7 and the appendices to the permit.

8.1 Sector A – Timber Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.1.1 Covered Stormwater Discharges.

The requirements in Part 8.1 apply to stormwater discharges associated with industrial activity from Timber Products facilities as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector A.

8.1.2 Limitation on Coverage

8.1.2.1 ***Prohibition of Discharges.*** (See also Part 1.1.4) Not covered by this permit: stormwater discharges from areas where there may be contact with the chemical formulations sprayed to provide surface protection. These discharges must be covered by a separate TPDES permit.

8.1.2.2 ***Authorized Non-Stormwater Discharges.*** (See also Part 1.1.3) Also authorized by this permit, provided the non-stormwater component of the discharge is in compliance with the requirements in Part 2.1.2 (Non-Numeric Effluent Limits): discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage.

8.1.3 Additional Technology-Based Effluent Limits.

8.1.3.1 ***Good Housekeeping.*** (See also Part 2.1.2.2) In areas where storage, loading and unloading, and material handling occur, perform good housekeeping to minimize the discharge of wood debris, minimize the leachate generated from decaying wood materials, and minimize the generation of dust.

8.1.4 Additional SWPPP Requirements.

8.1.4.1 ***Drainage Area Site Map.*** (See also Part 5.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: processing areas, treatment chemical storage areas, treated wood and residue storage areas, wet decking areas, dry decking areas, untreated wood and residue storage areas, and treatment equipment storage areas.

8.1.4.2 ***Inventory of Exposed Materials.*** (See also Part 5.2.3.2) Where such information exists, if your facility has used chlorophenolic, creosote, or chromium-copper-arsenic formulations for wood surface protection or preserving, document in your SWPPP the following: areas where contaminated soils, treatment equipment, and stored materials still remain and the

management practices employed to minimize the contact of these materials with stormwater runoff.

8.1.4.3 **Description of Stormwater Management Controls.** (See also Part 5.2.4) Document measures implemented to address the following activities and sources: log, lumber, and wood product storage areas; residue storage areas; loading and unloading areas; material handling areas; chemical storage areas; and equipment and vehicle maintenance, storage, and repair areas. If your facility performs wood surface protection and preservation activities, address the specific control measures, including any BMPs, for these activities.

8.1.5 Additional Inspection Requirements. (See also Part 3.1)

If your facility performs wood surface protection and preservation activities, inspect processing areas, transport areas, and treated wood storage areas monthly to assess the usefulness of practices to minimize the deposit of treatment chemicals on unprotected soils and in areas that will come in contact with stormwater discharges.

8.1.6 Sector-Specific Benchmarks

Table 8.1.1 identifies benchmarks that apply to the specific subsectors of Sector A. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.1.1		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector A1. General Sawmills and Planing Mills (SIC 2421)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Zinc (freshwater) ² Total Zinc (saltwater) ¹	Hardness Dependent 0.09 mg/L
Subsector A2. Wood Preserving (SIC 2491)	Total Arsenic (freshwater)	0.15 mg/L
	Total Arsenic (saltwater) ¹	0.069 mg/L
	Total Copper (freshwater) ² Total Copper (saltwater) ¹	Hardness Dependent 0.0048 mg/L

Subsector A3. Log Storage and Handling (SIC 2411)	Total Suspended Solids (TSS)	100 mg/L
Subsector A4. Hardwood Dimension and Flooring Mills; Special Products Sawmills, not elsewhere classified; Millwork, Veneer, Plywood, and Structural Wood; Wood Pallets and Skids; Wood Containers, not elsewhere classified; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities not elsewhere classified (SIC 2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493, and 2499)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100.0 mg/L

¹ Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

² The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix I, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 6.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Copper (mg/L)	Zinc (mg/L)
0-24.99 mg/L	0.0038	0.04
25-49.99 mg/L	0.0056	0.05
50-74.99 mg/L	0.0090	0.08
75-99.99 mg/L	0.0123	0.11
100-124.99 mg/L	0.0156	0.13
125-149.99 mg/L	0.0189	0.16
150-174.99 mg/L	0.0221	0.18
175-199.99 mg/L	0.0253	0.20
200-224.99 mg/L	0.0285	0.23
225-249.99 mg/L	0.0316	0.25
250+ mg/L	0.0332	0.26

8.1.7 Effluent Limitations Based on Effluent Limitations Guidelines (See also Part 6.2.2)

Table 8.1.2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Industrial Activity	Parameter	Limitation
Discharges resulting from spray down or intentional wetting of logs at wet deck	pH	6.0 - 9.0 s.u
	Debris (woody material such as bark, twigs, branches,	No discharge of debris that will not pass through a 2.54-cm (1-

storage areas	heartwood, or sapwood)	in.) diameter round opening
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¹ Monitor annually.

8.1.7.1 Credit for Pollutants in Intake Water.

For discharges that are comprised solely of water drawn from the same body of water into which the discharges flow and that exceed an applicable effluent limitation, you may be eligible for a credit to the extent necessary to meet the limitation. To obtain this credit, you must show that your discharge would meet the limitation in the absence of the pollutant(s) in the intake water by demonstrating that the control measures you use to meet the limitation would, if properly installed and operated, meet the limitations for the pollutant (i.e., the pollutant level in your discharge is in exceedance of the limitation due to the pollutant concentration in the source or intake water). You must consult VIDPNR for guidance in seeking a pollutant credit under this Part. VIDPNR will notify you whether you are eligible for the credit, and, if so, provide the scope of such credit.

8.2 Sector B – Paper and Allied Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.2.1 Covered Stormwater Discharges.

The requirements in Part 8.2 apply to stormwater discharges associated with industrial activity from Paper and Allied Products Manufacturing facilities, as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector B.

8.2.2 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.2.1		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector B1. Paperboard Mills (SIC Code 2631)	Chemical Oxygen Demand (COD)	120 mg/L

8.3 Sector C – Chemical and Allied Products Manufacturing, and Refining.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.3.1 Covered Stormwater Discharges.

The requirements in Part 8.3 apply to stormwater discharges associated with industrial activity from Chemical and Allied Products Manufacturing, and Refining facilities, as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector C.

8.3.2 Limitations on Coverage.

8.3.2.1 *Prohibition of Non-Stormwater Discharges.* (See also Part 1.1.4) The following are not covered by this permit: non-stormwater discharges containing inks, paints, or substances (hazardous, nonhazardous, etc.) resulting from an onsite spill, including materials collected in drip pans; wash water from material handling and processing areas; and wash water from drum, tank, or container rinsing and cleaning. (VIDPNR includes this prohibited non-stormwater discharge here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.1.3.)

8.3.3 Sector-Specific Benchmarks (See also Part 6)

Table 8.3.1 identifies benchmarks that apply to the specific subsectors of Sector C. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector C1. Agricultural Chemicals (SIC 2873-2879)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Lead (freshwater) ²	Hardness Dependent
	Total Lead (saltwater) ¹	0.21 mg/L
	Total Iron	1.0 mg/L
	Total Zinc (freshwater) ²	Hardness Dependent
	Total Zinc (saltwater) ¹	0.09 mg/L
Subsector C2. Industrial Inorganic Chemicals (SIC 2812-2819)	Phosphorus	2.0 mg/L
	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
Subsector C3. Soaps, Detergents, Cosmetics, and Perfumes (SIC 2841-2844)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L

	Total Zinc (freshwater) ² Total Zinc (saltwater) ¹	Hardness Dependent 0.09 mg/L
Subsector C4. Plastics, Synthetics, and Resins (SIC 2821-2824)	Total Zinc (freshwater) ² Total Zinc (saltwater) ¹	Hardness Dependent 0.09 mg/L

¹ Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

² The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix I, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 6.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Lead (mg/L)	Zinc (mg/L)
0-24.99 mg/L	0.014	0.04
25-49.99 mg/L	0.023	0.05
50-74.99 mg/L	0.045	0.08
75-99.99 mg/L	0.069	0.11
100-124.99 mg/L	0.095	0.13
125-149.99 mg/L	0.122	0.16
150-174.99 mg/L	0.151	0.18
175-199.99 mg/L	0.182	0.20
200-224.99 mg/L	0.213	0.23
225-249.99 mg/L	0.246	0.25
250+ mg/L	0.262	0.26

8.3.4 Effluent Limitations Based on Effluent Limitations Guidelines (See also Part 6.2.2.1 of the permit.)

Table 8.3.2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Industrial Activity	Parameter	Effluent Limit
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Total Phosphorus (as P)	105.0 mg/L, daily maximum
		35 mg/L, 30-day avg.
	Fluoride	75.0 mg/L, daily maximum

		25.0 mg/L, 30-day avg.
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¹Monitor annually.

8.4 Sector D – Asphalt Paving and Roofing Materials and Lubricant Manufacturing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.4.1 Covered Stormwater Discharges.

The requirements in Part 8.4 apply to stormwater discharges associated with industrial activity from Asphalt Paving and Roofing Materials and Lubricant Manufacturing facilities, as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector D.

8.4.2 Limitations on Coverage.

The following stormwater discharges associated with industrial activity are not authorized by this permit (See also Part 1.1.4)

8.4.2.1 *Discharges from petroleum refining facilities*, including those that manufacture asphalt or asphalt products, that are subject to nationally established effluent limitation guidelines found in 40 CFR Part 419 (Petroleum Refining).

The following stormwater discharges associated with industrial activity are not authorized under Sector D:

8.4.2.2 *Stormwater discharges from oil recycling facilities, which are covered under Sector N (See Part 8.14)*; and

8.4.2.3 *Stormwater discharges associated with fats and oils rendering, which are covered under Sector U (See Part 8.21)*;

8.4.3 Sector-Specific Benchmarks (See also Part 6)

Table 8.4.1 identifies benchmarks that apply to the specific subsectors of Sector D. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.4.1

Subsector	Parameter	Benchmark Monitoring Concentration
Subsector D1. Asphalt Paving and Roofing Materials (SIC 2951, 2952)	Total Suspended Solids (TSS)	100 mg/L

8.4.4 Effluent Limitations Based on Effluent Limitations Guidelines (See also Part 6.2.2.1 of the permit.)

Table 8.4.2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Industrial Activity	Parameter	Effluent Limit
Discharges from asphalt emulsion facilities.	Total Suspended Solids (TSS)	23.0 mg/L, daily maximum 15.0 mg/L, 30-day avg.
	pH	6.0 - 9.0 s.u.
	Oil and Grease	15.0 mg/L, daily maximum
		10 mg/L, 30-day avg.

¹Monitor annually.

8.5 Sector E – Glass, Clay, Cement, Concrete, and Gypsum Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.5.1 Covered Stormwater Discharges.

The requirements in Part 8.5 apply to stormwater discharges associated with industrial activity from Glass, Clay, Cement, Concrete, and Gypsum Products facilities, as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector E.

8.5.2 Additional Technology-Based Effluent Limits.

8.5.2.1 ***Good Housekeeping Measures.*** (See also Part 2.1.2.2) With good housekeeping, prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, settled dust, or other significant material in stormwater from paved portions of the site that are exposed to

stormwater. Sweep or vacuum paved surfaces of the site that are exposed to stormwater at regular intervals or use other equivalent measures (e.g., wash down the area and collect and/or treat and properly dispose of the washdown water) to minimize the potential discharge of these materials in stormwater. Indicate in your SWPPP the frequency of sweeping or equivalent measures. Determine the frequency based on the amount of industrial activity occurring in the area and the frequency of precipitation, but it must be performed at least once a week if cement, aggregate, kiln dust, fly ash, or settled dust are being handled or processed and may be discharged in stormwater. You must also prevent the exposure of fine granular solids (cement, fly ash, kiln dust, etc.) to stormwater, where practicable, by storing these materials in enclosed silos, hoppers, or buildings, or under other covering.

8.5.3 Additional SWPPP Requirements.

8.5.3.1 *Drainage Area Site Map.* (See also Part 5.2.2) Document in the SWPPP the locations of the following, as applicable: bag house or other dust control device; recycle/sedimentation pond, clarifier, or other device used for the treatment of process wastewater; and the areas that drain to the treatment device.

8.5.3.2 *Certification.* (See also Part 5.2.3.4) For facilities producing ready-mix concrete, concrete block, brick, or similar products, include in the non-stormwater discharge certification a description of measures that ensure that process waste waters resulting from washing trucks, mixers, transport buckets, forms, or other equipment are discharged in accordance with TPDES requirements or are recycled.

8.5.4 Sector-Specific Benchmarks. (See also Part 6)

Table 8.5.1 identifies benchmarks that apply to the specific subsectors of Sector E. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.5.1		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Cutoff Concentration
Subsector E1. Clay Product Manufacturers (SIC 3251-3259, 3261-3269)	Total Aluminum	0.75 mg/L
Subsector E2. Concrete and Gypsum Product Manufacturers (SIC 3271-3275)	Total Suspended Solids (TSS)	100 mg/L
	Total Iron	1.0 mg/L

8.5.5 Effluent Limitations Based on Effluent Limitations Guidelines (See also Part 6.2.2.1 of the permit.)

Table 8.5.2 identifies effluent limits that apply to the industrial activities described below. Compliance with these limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.5.2¹		
Industrial Activity	Parameter	Effluent Limit
Discharges from material storage piles at cement manufacturing facilities (SIC 3241)	Total Suspended Solids (TSS)	50 mg/L, daily maximum ²
	pH	6.0 - 9.0 s.u. ²

¹ Monitor annually.

² Any untreated overflow from facilities designed, constructed and operated to treat the volume of runoff from materials storage piles which is associated with a 10-year, 24-hour rainfall event shall not be subject to the pH and TSS limitations (40 CFR 411.32(b)).

8.6 Sector F – Primary Metals.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.6.1 Covered Stormwater Discharges.

The requirements in Part 8.6 apply to stormwater discharges associated with industrial activity from Primary Metals facilities, as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector F.

8.6.2 Additional Technology-Based Effluent Limits

8.6.2.1 **Good Housekeeping Measures.** (See also Part 2.1.2.2) As part of your good housekeeping program, you must include a cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust or debris may accumulate to minimize the discharge of pollutants in stormwater. The cleaning and maintenance program must encompass, as appropriate, areas where material loading and unloading, storage, handling and processing occur.

Stabilize unpaved areas using vegetation or paving where there is vehicle traffic or where material loading and unloading, storage, handling and processing occurs, unless feasible. For paved areas of the facility where particulate matter, dust or debris may accumulate, to minimize the discharge of pollutants in stormwater, implement control measures such as the following, where

determined to be feasible (list not exclusive): sweeping or vacuuming at regular intervals; and washing down the area and collecting and/or treating and properly disposing of the washdown water.

For unstabilized areas or for stabilized areas where sweeping, vacuuming, or washing down is not possible, to minimize the discharge of particulate matter, dust, or debris or other pollutants in stormwater, implement stormwater management devices such as the following, where determined to be feasible (list not exclusive): sediment traps, vegetative buffer strips, filter fabric fence, sediment filtering boom, gravel outlet protection, and other equivalent measures that effectively trap or remove sediment.

8.6.3 Additional SWPPP Requirements.

8.6.3.1 ***Drainage Area Site Map.*** (See also Part 5.2.2) Identify in the SWPPP where any of the following activities may be exposed to precipitation or surface runoff: storage or disposal of wastes such as spent solvents and baths, sand, slag and dross; liquid storage tanks and drums; processing areas including pollution control equipment (e.g., baghouses); and storage areas of raw material such as coal, coke, scrap, sand, fluxes, refractories, or metal in any form. In addition, indicate where an accumulation of significant amounts of particulate matter could occur from such sources as furnace or oven emissions, losses from coal and coke handling operations, etc., and could result in a discharge of pollutants in stormwater.

8.6.3.2 ***Inventory of Exposed Material.*** (See also Part 5.2.3) Include in the inventory of materials handled at the site that potentially may be exposed to precipitation or runoff, areas where deposition of particulate matter from process air emissions or losses during material-handling activities are possible.

8.6.4 Additional Inspection Requirements. (See also Part 3.1) As part of conducting your routine facility inspections at least quarterly (Part 3.1), address all potential sources of pollutants, including (if applicable) air pollution control equipment (e.g., baghouses, electrostatic precipitators, scrubbers, and cyclones), for any signs of degradation (e.g., leaks, corrosion, or improper operation) that could limit their efficiency and lead to excessive emissions. Consider monitoring air flow at inlets and outlets (or use equivalent measures) to check for leaks (e.g., particulate deposition) or blockage in ducts. Also inspect all process and material handling equipment (e.g., conveyors, cranes, and vehicles) for leaks, drips, or the potential loss of material; and material storage areas (e.g., piles, bins, or hoppers for storing coke, coal, scrap, or slag, as well as chemicals stored in tanks and drums) for signs of material losses due to wind or stormwater runoff.

8.6.5 Sector-Specific Benchmarks. (See also Part 6)

Table 8.6.1 identifies benchmarks that apply to the specific subsectors of Sector F. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Cutoff Concentration
Subsector F1. Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC 3312-3317)	Total Aluminum	0.75 mg/L
	Total Zinc (freshwater) ² Total Zinc (saltwater) ¹	Hardness Dependent 0.09 mg/L
Subsector F2. Iron and Steel Foundries (SIC 3321-3325)	Total Aluminum	0.75 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Copper (freshwater) ² Total Copper (saltwater) ¹	Hardness Dependent 0.0048 mg/L
	Total Iron	1.0 mg/L
Subsector F3. Rolling, Drawing, and Extruding of Nonferrous Metals (SIC 3351-3357)	Total Zinc (freshwater) ² Total Zinc (saltwater) ¹	Hardness Dependent 0.09 mg/L
	Total Copper (freshwater) ² Total Copper (saltwater) ¹	Hardness Dependent 0.0048 mg/L
Subsector F4. Nonferrous Foundries (SIC 3363-3369)	Total Zinc (freshwater) ² Total Zinc (saltwater) ¹	Hardness Dependent 0.09 mg/L
	Total Copper (freshwater) ² Total Copper (saltwater) ¹	Hardness Dependent 0.0048 mg/L

¹ Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

² The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix I, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 6.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Copper (mg/L)	Zinc (mg/L)
0-24.99 mg/L	0.0038	0.04
25-49.99 mg/L	0.0056	0.05
50-74.99 mg/L	0.0090	0.08
75-99.99 mg/L	0.0123	0.11
100-124.99 mg/L	0.0156	0.13
125-149.99 mg/L	0.0189	0.16

150-174.99 mg/L	0.0221	0.18
175-199.99 mg/L	0.0253	0.20
200-224.99 mg/L	0.0285	0.23
225-249.99 mg/L	0.0316	0.25
250+ mg/L	0.0332	0.26

8.7 Sector G – Metal Mining.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

Note: Where compliance with a requirement in a separate exploration permit, mining permit, reclamation plan, Surface Mining Control and Reclamation Act (SMCRA) requirements, etc. will result in you fully meeting any requirement in this Subpart, you are considered to have complied with the relevant requirement in this Subpart. You must include documentation in your SWPPP describing your rationale for concluding that any particular action on your part is sufficient to comply with the corresponding requirement in this Subpart.

8.7.1 Covered Stormwater Discharges.

The requirements in Part 8.7 apply to stormwater discharges associated with industrial activity from Metal Mining facilities, including mines abandoned on Federal lands, as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector G. Coverage is required for metal mining facilities that discharge stormwater contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation.

8.7.1.1 ***Covered Discharges from Inactive Facilities.*** All stormwater discharges.

8.7.1.2 ***Covered Discharges from Active and Temporarily Inactive Facilities.*** Only the stormwater discharges from the following areas are covered:

- Waste rock and overburden piles if composed entirely of stormwater and not combining with mine drainage;
- Topsoil piles;
- Offsite haul and access roads;
- Onsite haul and access roads constructed of waste rock, overburden, or spent ore if composed entirely of stormwater and not combining with mine drainage;
- Onsite haul and access roads not constructed of waste rock, overburden, or spent ore except if mine drainage is used for dust control;

- Runoff from tailings dams or dikes when not constructed of waste rock or tailings and no process fluids are present;
- Runoff from tailings dams or dikes when constructed of waste rock or tailings and no process fluids are present, if composed entirely of stormwater and not combining with mine drainage;
- Concentration building if no contact with material piles;
- Mill site if no contact with material piles;
- Office or administrative building and housing if mixed with stormwater from industrial area;
- Chemical storage area;
- Docking facility if no excessive contact with waste product that would otherwise constitute mine drainage;
- Explosive storage;
- Fuel storage;
- Vehicle and equipment maintenance area and building;
- Parking areas (if necessary);
- Power plant;
- Truck wash areas if no excessive contact with waste product that would otherwise constitute mine drainage;
- Unreclaimed, disturbed areas outside of active mining area;
- Reclaimed areas released from reclamation requirements prior to December 17, 1990; and
- Partially or inadequately reclaimed areas or areas not released from reclamation requirements.

8.7.1.3 *Covered Discharges from Earth-Disturbing Activities Conducted Prior to Active Mining Activities.* All stormwater discharges.

8.7.1.4 *Covered Discharges from Facilities Undergoing Reclamation.* All stormwater discharges.

8.7.2 Limitations on Coverage.

8.7.2.1 *Prohibition of Stormwater Discharges.* **Stormwater discharges not authorized by this permit:** discharges from active metal mining facilities that are subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

NOTE: Stormwater runoff from these sources are subject to 40 CFR Part 440 if they are mixed with other discharges subject to Part 440. In this case, they are not eligible for coverage under this permit. Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless they: (1) drain naturally (or are intentionally diverted) to a point source; and (2) combine with "mine drainage" that is otherwise regulated under the Part 440 regulations. For such sources, coverage under this permit would be

available if the discharge composed entirely of stormwater does not combine with other sources of mine drainage that are not subject to 40 CFR Part 440, and meets the other eligibility criteria contained in Part 1.1 of the permit. Operators bear the initial responsibility for determining if they are eligible for coverage under this permit, or must seek coverage under another TPDES permit. VIDPNR shall determine the nature and scope of the "active mining area" on a mine-by-mine basis, as well as to determine the appropriate permitting mechanism for authorizing such discharges.

- 8.7.2.2 ***Prohibition of Non-Stormwater Discharges.*** Not authorized by this permit: adit drainage, and contaminated springs or seeps discharging from waste rock dumps that do not directly result from precipitation events (see also the standard Limitations on Coverage in Part 1.1.4). (VIDPNR includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.1.3)

8.7.3 Definitions.

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

- 8.7.3.1 ***Mining operations*** - For this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each:

- a. earth-disturbing activities conducted prior to active mining activities; and
- b. active mining activities, which includes reclamation. "Mining operations" can occur at both inactive mining facilities and temporarily inactive mining facilities.

- 8.7.3.2 ***Earth-disturbing activities conducted prior to active mining activities*** – Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:

- a. activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and
- b. construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads. Earth-disturbing activities associated with the

construction of staging areas and the construction of access roads conducted prior to active mining are considered to be “construction” and have additional effluent limits in Part 8.7.4.2.

8.7.3.3 **Active mining activities** - Activities related to the extraction, removal or recovery, and beneficiation of metal ore from the earth; removal of overburden and waste rock to expose mineable minerals; and site reclamation and closure activities. All such activities occur within the “active mining area.” Reclamation involves activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable federal and state reclamation requirements. In addition, once earth-disturbing activities conducted prior to active mining activities have ceased and all related requirements in Part 8.G.4 have been met, and a well-delineated “active mining area” has been established, all activities (including any clearing, grading, and excavation) that occur within the active mining area are “active mining activities.”

8.7.3.4 **Active mining area** - A place where work or other activity related to the extraction, removal or recovery of metal ore is being conducted, except, with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun.

Note: Earth-disturbing activities described in the definition in Part 8.7.3.2 that occur on areas outside the active mining area (e.g., for expansion of the mine into undeveloped territory) are considered “earth-disturbing conducted prior to active mining activities”, and must comply with the requirements in Part 8.7.4.

8.7.3.5 **Inactive metal mining facility** - A site or portion of a site where metal mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable Territorial or Federal agency. An inactive metal mining facility has an identifiable owner/operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require a TPDES industrial stormwater permit.

8.7.3.6 **Temporarily inactive metal mining facility** - A site or portion of a site where metal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable Territorial or Federal agency.

8.7.3.7 **Final Stabilization** - A site or portion of a site is “finally stabilized” when it has implemented all applicable Federal and Territorial reclamation requirements.

8.7.4 Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.

Stormwater discharges from earth-disturbing activities conducted prior to active mining activities (defined in Part 8.7.3.2) are covered under this permit. For such earth-disturbing activities, you must comply with all applicable requirements in Parts 1-8 of the VI MSGP except for the technology-based effluent limits in Part 8.7.5 and Part 2.1.2, the inspection requirements in Part 8.7.7 and Part 3, and the monitoring requirements in Part 8.7.8 and Part 6.

Authorized discharges from areas where earth-disturbing activities have ceased and stabilization as specified in Part 8.7.4.1.9 or 8.7.4.2.11, where appropriate, has been completed (stabilization is not required for areas where active mining activities will occur), are no longer subject to the Part 8.7.4 requirements. At such time, authorized discharges become subject to all other applicable requirements in the VI MSGP, including the effluent limits in Parts 2.1.2 and 8.7.5, the inspection requirements in Parts 3 and 8.7.7, and the monitoring requirements in Parts 6 and 8.7.8.

8.7.4.1 ***Technology-Based Effluent Limits Applicable to All Earth-Disturbing Activities Conducted Prior to Active Mining Activities.*** The following technology-based effluent limits apply to authorized discharges from all earth-disturbing activities conducted prior to active mining activities defined in Part 8.7.3.2(a) and 8.7.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.7.5 of the VI MSGP.

8.7.4.1.1 *Erosion and sediment control installation requirements.*

- By the time construction activities commence, install and make operational downgradient sediment controls, unless this timeframe is infeasible. If infeasible you must install and make such controls operational as soon as practicable or as soon as site conditions permit.
- All other stormwater controls described in the SWPPP must be installed and made operational as soon as conditions on each portion of the site allows.

8.7.4.1.2 *Erosion and sediment control maintenance requirements.* You must:

- Ensure that all erosion and sediment controls remain in effective operating condition.
- Wherever you determine that a stormwater control needs maintenance to continue operating effectively, initiate efforts to fix

the problem immediately after its discovery, and complete such work by the end of the next work day.

- When a stormwater control must be replaced or significantly repaired, complete the work within 7 days, unless infeasible. If 7 days is infeasible, you must complete the installation or repair as soon practicable.

8.7.4.1.3 *Perimeter controls.* You must:

- Install sediment controls along those perimeter areas of your disturbed area that will receive stormwater, except where site conditions prevent the use of such controls (in which case, maximize their installation to the extent practicable).
- Remove sediment before it accumulates to one-half of the above-ground height of any perimeter control.

8.7.4.1.4 *Sediment track-out.* For construction vehicles and equipment exiting the site directly onto paved roads, you must:

- Use appropriate stabilization techniques to minimize sediment track-out from vehicles and equipment prior to exit;
- Use additional controls to remove sediment from vehicle and equipment tires prior to exit, where necessary;
- Remove sediment that is tracked out onto paved roads by end of the work day.

Note: VIDPNR recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after you have implemented sediment removal practices. Such “staining” is not a violation of Part 8.7.4.1.4.

8.7.4.1.5 *Soil or sediment stockpiles.* You must:

- Minimize erosion of stockpiles from stormwater and wind via temporary cover, if feasible.
- Prevent up-slope stormwater flows from causing erosion of stockpiles (e.g., by diverting flows around the stockpile).

- Minimize sediment from stormwater that runs off of stockpiles, using sediment controls (e.g., a sediment barrier or downslope sediment control).

8.7.4.1.6 *Sediment basins.* If you intend to install a sediment basin to treat stormwater from your earth-disturbing activities, you must:

- Provide storage for either (1) the 2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained.
- Prevent erosion of (1) basin embankments using stabilization controls (e.g., erosion control blankets), and (2) the inlet and outlet points of the basin using erosion controls and velocity dissipation devices.

8.7.4.1.7 *Minimize dust.* You must minimize the generation of dust through the appropriate application of water or other dust suppression techniques that minimize pollutants being discharged into surface waters.

8.7.4.1.8 *Restrictions on use of treatment chemicals.* If you intend to use sediment treatment chemicals at your site, you are subject to the following minimum requirements:

- Use conventional erosion and sediment controls prior to and after application of chemicals;
- Select chemicals suited to soil type, and expected turbidity, pH, flow rate;
- Minimize the discharge risk from stored chemicals;
- Comply with state/local requirements;
- Use chemicals in accordance with good engineering practices and specifications of chemical supplier;
- Ensure proper training;
- Provide proper SWPPP documentation.

If you plan to use cationic treatment chemicals (as defined in Appendix A), you are ineligible for coverage under this permit, unless you notify VIDPNR in advance and VIDPNR authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

8.7.4.1.9 *Site stabilization requirements for earth-disturbing activities performed for purposes of mine site preparation as defined in 8.7.3.2(a) (i.e., not applicable to construction of staging areas for structures and access roads as defined in 8.7.3.2(b)).* You must comply with the following stabilization requirements except where the intended function of the site accounts for such disturbed earth (e.g., the earth disturbances will become actively mined, or the controls implemented at the active mining area effectively control the disturbance) (although you are encouraged to do so within the active mining area, where appropriate):

- *Temporary stabilization of disturbed areas.* Stabilization measures must be initiated immediately in portions of the site where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.7.3.2(a)) have temporarily ceased, but in no case more than 14 days after such activities have temporarily ceased. In arid, semi-arid, and drought-stricken areas where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities performed for purposes of mine site preparation has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site where earth-disturbing activities performed for purposes of mine site preparation have permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until active mining activities commence.
- *Final stabilization of disturbed areas.* Stabilization measures must be initiated immediately where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.7.3.2(a)) have permanently ceased, but in no case more than 14 days after the earth-disturbing activities have permanently ceased. In arid, semi-arid, and drought-stricken areas where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities have permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.

8.7.4.2 *Additional Technology-Based Effluent Limits Applicable Only to the Construction of Staging Areas for Structures and Access Roads.* The

following technology-based effluent limits apply to authorized discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads, as defined in Part 8.7.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.7.5 of the VI MSGP. These limits do not apply to earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.7.3.2(a)).

8.7.4.2.1 *Area of disturbance.* You must minimize the amount of soil exposed during construction activities.

8.7.4.2.2 *Erosion and sediment control design requirements.* You must:

- Design, install and maintain effective erosion and sediment controls to minimize the discharge of pollutants from construction activities. Account for the following factors in designing your erosion and sediment controls:
 - The expected amount, frequency, intensity and duration of precipitation;
 - The nature of stormwater runoff and run-on at the site, including factors such as impervious surfaces, slopes and site drainage features;
 - The range of soil particle sizes expected to be present on the site.
- Direct discharges from your stormwater controls to vegetated areas of your site to increase sediment removal and maximize stormwater infiltration, including any natural buffers, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.
- If any stormwater flow becomes or will be channelized at your site, you must design erosion and sediment controls to control both peak flowrates and total stormwater volume to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
- If you install stormwater conveyance channels, they must be designed to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. In addition, you must minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.

8.7.4.2.3 *Natural Buffers.* For any stormwater discharges from construction activities within 50 feet of a water of the USVI, you must comply with one of the following compliance alternatives:

1. Provide a 50-foot undisturbed natural buffer between construction activities and the water of the USVI; or
2. Provide an undisturbed natural buffer that is less than 50 feet supplemented by additional erosion and sediment controls, which in combination, achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer; or
3. If it is infeasible to provide an undisturbed natural buffer of any size, implement erosion and sediment controls that achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer.

There are exceptions when buffer requirements do not apply:

- There is no stormwater discharge from construction disturbances to a water of the U.S;
- The natural buffer has already been eliminated by preexisting development disturbances;
- The disturbance is for the construction of a water-dependent structure or construction approved under a CWA section 404 permit;
- For linear construction projects, you are not required to comply with the requirements if there are site constraints provided that, to the extent feasible, you limit disturbances within 50 feet of a water of the U.S. and/or you provide supplemental erosion and sediment controls to treat stormwater discharges from any disturbances within 50 feet of a water of the U.S.

See http://water.epa.gov/polwaste/npdes/stormwater/upload/cgp2012_appendixg.pdf for guidance on complying with these alternatives.

8.7.4.2.4 *Soil or sediment stockpiles.* In addition to the requirements in Part 8.7.4.1.5, you must locate any piles outside of any natural buffers established under Part 8.7.4.2.3.

8.7.4.2.5 *Sediment basins.* In addition to the requirements in Part 8.7.4.1.6, you must locate sediment basins outside of any surface waters and any natural buffers established under Part 8.7.4.2.3, and you must utilize outlet structures that withdraw water from the surface, unless infeasible.

8.7.4.2.6 *Native topsoil preservation.* You must preserve native topsoil removed during clearing, grading, or excavation, unless infeasible. Store topsoil in a manner that will maximize its use in reclamation or final vegetative stabilization (e.g., by keeping the topsoil stabilized with seed or similar measures). This requirement does not apply if the intended function of the disturbed area dictates that topsoil be disturbed or removed.

8.7.4.2.7 *Steep slopes.* You must minimize the disturbance of steep slopes. The permit does not prevent or prohibit disturbance on steep slopes.

Depending on site conditions and needs, disturbance on steep slopes may be necessary (e.g., a road cut in mountainous terrain; for grading steep slopes prior to erecting the mine office). Where steep slope disturbances are necessary, you can minimize the disturbances to steep slopes through the implementation of a number of standard erosion and sediment control practices, such as by phasing disturbances in these areas and using stabilization practices specifically for steep grades.

8.7.4.2.8 *Soil compaction.* Where final vegetative stabilization will occur or where infiltration practices will be installed, you must either restrict vehicle/ equipment use in these areas to avoid soil compaction or use soil conditioning techniques to support vegetative growth. Minimizing soil compaction is not required where compacted soil is integral to the functionality of the site.

8.7.4.2.9 *Dewatering Practices.* You are prohibited from discharging ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults or other similar points of accumulation, unless such waters are first effectively managed by appropriate controls (e.g., sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, or filtration systems). Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control.

You must also meet the following requirements for dewatering activities:

- Discharge requirements:
 - No discharging visible floating solids or foam;
 - Remove oil, grease and other pollutants from dewatering water via an oil-water separator or suitable filtration device (such as a cartridge filter);
 - Utilize vegetated upland areas of the site, to the extent feasible, to infiltrate dewatering water before discharge. In no

case shall waters of the USVI be considered part of the treatment area;

- Implement velocity dissipation devices at all points where dewatering water is discharged;
 - Haul backwash water away for disposal or return it to the beginning of the treatment process; and
 - Clean or replace the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.
- Treatment chemical restrictions: If you use polymers, flocculants or other chemicals to treat dewatering water, you must comply with the requirements in Parts 8.7.4.1.8.

8.7.4.2.10 *Pollution prevention requirements.*

- *Prohibited discharges* (this non-exhaustive list of prohibited non-stormwater discharges is included here as a reminder that only the only allowable non-stormwater discharges are those enumerated in Part 1.1.3):
 - Wastewater from washout of concrete;
 - Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
 - Fuels, oils, or other pollutants used for operation and maintenance of vehicles or equipment;
 - Soaps, solvents, or detergents used in vehicle or equipment washing;
 - Toxic or hazardous substances from a spill or other release.
- *Design and location requirements*: Minimize the discharge of pollutants from pollutant sources by:
 - Minimizing exposure;
 - Using secondary containment, spill kits, or other equivalent measures;
 - Locating pollution sources away from surface waters, storm sewer inlets, and drainageways;

- Cleaning up spills immediately (do not clean by hosing area down).
- *Pollution prevention requirements for wash waters:* Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
- *Pollution prevention requirements for the storage, handling, and disposal of construction products, materials, and wastes:* Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to stormwater. Minimization of exposure is not required in cases where the exposure to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

8.7.4.2.11 *Site Stabilization requirements for the construction of staging areas for structures and access roads as defined in 8.7.3.2(b)* (i.e., not applicable to earth-disturbing activities performed for purposes of mine site preparation as defined in 8.7.3.2(a)). You must comply with the following stabilization requirements, except where the intended function of the site accounts for such disturbed earth (e.g., the area of construction will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- By no later than the end of the next work day after construction work in an area has stopped permanently or temporarily (“temporarily” means the land will be idle for a period of 14 days or more but earth-disturbing activities will resume in the future), immediately initiate stabilization measures;
- If using vegetative measures, by no later than 14 days after initiating stabilization:
 - Seed or plant the area, and provide temporary cover to protect the planted area;
 - Once established, vegetation must be uniform, perennial (if final stabilization), and cover at least 70% of stabilized area based on density of native vegetation.

- If using non-vegetative stabilization, by no later than 14 days after initiating stabilization:
 - Install or apply all non-vegetative measures;
 - Cover all areas of exposed soil.

Note: For the purposes of this permit, VIDPNR will consider any of the following types of activities to constitute the initiation of stabilization: 1. Prepping the soil for vegetative or non-vegetative stabilization; 2. Applying mulch or other non-vegetative product to the exposed area; 3. Seeding or planting the exposed area; 4. Starting any of the activities in # 1 – 3 on a portion of the area to be stabilized, but not on the entire area; and 5. Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

Exceptions:

- Arid, semi-arid (if construction occurs during seasonally dry period), or drought-stricken areas:
 - Within 14 days of stopping construction work in an area, install any necessary non-vegetative stabilization measures;
 - Initiate vegetative stabilization as soon as conditions on the site allow;
 - Document the schedule that will be followed for initiating and completing vegetative stabilization;
 - Plant the area so that within 3 years the 70% cover requirement is met.
- Sites affected by severe storm events or other unforeseen circumstances:
 - Initiate vegetative stabilization as soon conditions on the site allow;
 - Document the schedule that will be followed for initiating and completing vegetative stabilization;
 - Plant the area so that so that within 3 years the 70% cover requirement is met.

8.7.4.3 ***Water Quality-Based Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.***

The following water quality-based limits apply to earth-disturbing activities conducted prior to active mining activities defined in Part 8.7.3.2(a) and 8.7.3.2(b), in addition to the water quality-based limits in Part 2.2 of the VI MSGP.

Stricter requirements apply if your site will discharge to an impaired water or a water that is identified by VIDPNR as Class A waters:

- More rapid stabilization of exposed areas: Complete initial stabilization activities within 7 days of stopping earth-disturbing work.
- More frequent site inspections: Once every 7 days and within 24 hours of a storm event of 0.25 inches or greater.

8.7.4.4 ***Inspection Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.***

The following requirements supersede the inspection requirements in Part 3 and 8.7.7 of the VI MSGP for earth-disturbing activities conducted prior to active mining activities defined in Part 8.7.3.2(a) and 8.7.3.2(b).

8.7.4.4.1 ***Inspection frequency***

- At least once every 7 calendar days, or
- Once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.

Note:

- Inspections only required during working hours;
- Inspections not required during unsafe conditions; and
- If you choose to inspect once every 14 days, you must have a method for measuring rainfall amount on site (either rain gauge or representative weather station)

Note: To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day.

Note: You are required to specify in your SWPPP which schedule you will be following.

Note: “Within 24 hours of the occurrence of a storm event” means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still

continuing. Thus, if you have elected to inspect bi-weekly and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

8.7.4.4.2 *Reductions in inspection frequency.*

- Stabilized areas: You may reduce the frequency of inspections to once per month in any area of your site where stabilization has occurred pursuant to Part 8.7.4.1.9 or 8.7.4.2.11.
- Arid, semi-arid, and drought stricken areas: If earth-disturbing activities are occurring during the seasonally dry period or during a period in which drought is predicted to occur, you may reduce inspections to once per month and within 24 hours of a 0.25 inch storm event.

8.7.4.4.3 *Areas to be inspected.* You must at a minimum inspect the all of the following areas:

- Disturbed areas;
- Stormwater controls and pollution prevention measures;
- Locations where stabilization measures have been implemented;
- Material, waste, borrow, or equipment storage and maintenance areas;
- Areas where stormwater flows;
- Points of discharge.

8.7.4.4.4 *What to check for during inspections.* At a minimum you must check:

- Whether all stormwater controls are installed, operational and working as intended;
- Whether any new or modified stormwater controls are needed;
- For conditions that could lead to a spill or leak;
- For visual signs of erosion/sedimentation at points of discharge.

If a discharge is occurring, check:

- The quality and characteristics of the discharge;
- Whether controls are operating effectively.

8.7.4.4.5 *Inspection report.* Within 24 hours of an inspection, complete a report that includes:

- Inspection date;
- Name and title of inspector(s);
- Summary of inspection findings;
- Rainfall amount that triggered the inspection (if applicable);
- If it was unsafe to inspect a portion of the site, include documentation of the reason and the location(s);
- Each inspection report must be signed;
- Keep a current copy of all reports at the site or at an easily accessible location.

8.7.5 Technology-Based Effluent Limits for Active Mining Activities.

Note: These requirements do not apply for any discharges from earth-disturbing activities conducted prior to active mining as defined in 8.7.3.2(a) or 8.7.3.2(b).

8.7.5.1 *Employee training.* (See also Part 2.1.2.8) Conduct employee training at least annually at active and temporarily inactive facilities.

8.7.5.2 *Stormwater controls.* Apart from the control measures you implement to meet your Part 2 technology-based effluent limits, where necessary to minimize pollutant discharges in stormwater, implement the following control measures at your site. The potential pollutants identified in Part 8.7.6.3 shall determine the priority and appropriateness of the control measures selected. For mines subject to dust control requirements under state or county air quality permits, provided the requirements are equivalent, compliance with such air permit dust requirements shall constitute compliance with the dust control effluent limit in Part 2.1.2.10.

Stormwater diversions: Divert stormwater away from potential pollutant sources through implementation of control measures such as the following, where determined to be feasible (list not exclusive): interceptor or diversion controls (e.g., dikes, swales, curbs, berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

Capping: When capping is necessary to minimize pollutant discharges in stormwater, identify the source being capped and the material used to construct the cap.

Treatment: If treatment of stormwater (e.g., chemical or physical systems, oil - water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. Passive and/or active treatment of stormwater runoff is encouraged, where feasible. Treated runoff may be discharged as a stormwater source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

8.7.5.3 **Discharge testing.** (See also Part 5.2.3.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related but unauthorized non-stormwater discharges such as seeps or adit discharges, or discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 440), such as mine drainage or process water. Alternatively (if applicable), you may keep a certification with your SWPPP consistent with Part 8.7.6.6.

8.7.6 Additional SWPPP Requirements for Mining Operations.

Note: The requirements in Part 8.7.6 are not applicable to inactive metal mining facilities.

8.7.6.1 **Nature of industrial activities.** (See also Part 5.2.2) Briefly document in your SWPPP the mining and associated activities that can potentially affect the stormwater discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.

8.7.6.2 **Site map.** (See also Part 5.2.2) Document in your SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each stormwater outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual TPDES permit; outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage (where water leaves mine) or other process water; tailings piles and ponds (including proposed ones); heap leach pads; off-site points of discharge for mine drainage and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.

8.7.6.3 **Potential pollutant sources.** (See also Part 5.2.3) For each area of the mine or mill site where stormwater discharges associated with industrial activities occur, identify the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. Consider these factors: the mineralogy of the ore and waste rock (e.g., acid forming); toxicity and quantity of chemicals used,

produced, or discharged; the likelihood of contact with stormwater; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing ore or waste rock or overburden characterization data and test results for potential generation of acid rock. If any new data is acquired due to changes in ore type being mined, update your SWPPP with this information.

8.7.6.4 *Documentation of control measures.* Document all control measures that you implement consistent with Part 8.7.5.2. If control measures are implemented or planned but are not listed in Part 8.7.5.2 (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in your SWPPP. If you are in compliance with dust control requirements under state or county air quality permits, you must include (or summarize, as necessary) what the state or county air quality permit dust control requirements are and how you've achieved compliance with them.

8.7.6.5 *Employee training.* All employee training(s) must be documented in the SWPPP.

8.7.6.6 *Certification of permit coverage for commingled non-stormwater discharges.* If you are able, consistent with Part 8.7.5.3 above, to certify that a particular discharge composed of commingled stormwater and non-stormwater is covered under a separate TPDES permit, and that permit subjects the non-stormwater portion to effluent limitations prior to any commingling, retain such certification with your SWPPP. This certification must identify the non-stormwater discharges, the applicable TPDES permit(s), the effluent limitations placed on the non-stormwater discharge by the permit(s), and the points at which the limitations are applied.

8.7.7 Additional Inspection Requirements. (See also Part 3.1)

Except for earth-disturbing activities conducted prior to active mining activities as defined in Part 8.7.3.2(a) and 8.7.3.2(b), which are subject to Part 8.7.4.4, inspect sites at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to waters designated as Class A or waters which are impaired for sediment or nitrogen must be inspected monthly. See Part 8.7.8.4 for inspection requirements for inactive and unstaffed sites.

8.7.8 Monitoring and Reporting Requirements. (See also Part 6)

Note: There are no Part 8.7.8 monitoring and reporting or impaired waters monitoring requirements for inactive and unstaffed sites.

8.7.8.1 *Benchmark Monitoring for Active Copper Ore Mining and Dressing Facilities.* Table 8.7.1 identifies benchmarks that apply to active copper ore mining and dressing facilities. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.7.1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector G1. Active Copper Ore Mining and Dressing Facilities (SIC 1021)	Total Suspended Solids (TSS)	100 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L

8.7.8.2 **Benchmark Monitoring Requirements for Discharges From Waste Rock and Overburden Piles at Active Metal Mining Facilities.** For discharges from waste rock and overburden piles, perform benchmark monitoring once in the first year for the parameters listed in Table 8.7.2, and twice annually in all subsequent years of coverage under this permit for any parameters for which the benchmark has been exceeded. You are also required to conduct analytic monitoring for the parameters listed in Table 8.7.3 in accordance with the requirements in Part 8.7.8.3. The Director may also notify you that you must perform additional monitoring to accurately characterize the quality and quantity of pollutants discharged from your waste rock and overburden piles.

Table 8.7.2		
Subsector (Discharges may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Cutoff Concentration
Subsector G2. Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; and Miscellaneous Metal Ores (SIC Codes 1011, 1021, 1031, 1041, 1044, 1061, 1081, 1094, 1099) (Note: when analyzing hardness for a suite of metals, it is more cost effective to add analysis of calcium and magnesium, and have hardness calculated than to require hardness analysis separately)	Total Suspended Solids (TSS)	100 mg/L
	Turbidity	50 NTU
	pH	6.0-9.0 s.u.
	Hardness (as CaCO ₃ ; calc. from Ca, Mg) ²	no benchmark value
	Total Antimony	0.64 mg/L
	Total Arsenic (freshwater)	0.15 mg/L
	Total Arsenic (saltwater) ¹	0.069 mg/L
	Total Beryllium	0.13 mg/L
	Total Cadmium (freshwater) ²	Hardness Dependent
	Total Cadmium (saltwater) ¹	0.04 mg/L
	Total Copper (freshwater) ²	Hardness Dependent
	Total Copper (saltwater) ¹	0.0048 mg/L
	Total Iron	1.0 mg/L
	Total Lead (freshwater) ²	Hardness Dependent
	Total Lead (saltwater) ¹	0.21 mg/L
Total Mercury (freshwater)	0.0014 mg/L	
Total Mercury (saltwater) ¹	0.0018 mg/L	
Total Nickel (freshwater) ²	Hardness Dependent	

	Total Nickel (saltwater) ¹	0.074 mg/L
	Total Selenium (freshwater)	0.005 mg/L
	Total Selenium (saltwater) ¹	0.29 mg/L
	Total Silver (freshwater) ²	Hardness Dependent
	Total Silver (saltwater) ¹	0.0019 mg/L
	Total Zinc (freshwater) ²	Hardness Dependent
	Total Zinc (saltwater) ¹	0.09 mg/L

¹ Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

² The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix I, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 6.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Cadmium (mg/L)	Copper (mg/L)	Lead (mg/L)	Nickel (mg/L)	Silver (mg/L)	Zinc (mg/L)
0-24.99 mg/L	0.0005	0.0038	0.014	0.15	0.0007	0.04
25-49.99 mg/L	0.0008	0.0056	0.023	0.20	0.0007	0.05
50-74.99 mg/L	0.0013	0.0090	0.045	0.32	0.0017	0.08
75-99.99 mg/L	0.0018	0.0123	0.069	0.42	0.0030	0.11
100-124.99 mg/L	0.0023	0.0156	0.095	0.52	0.0046	0.13
125-149.99 mg/L	0.0029	0.0189	0.122	0.61	0.0065	0.16
150-174.99 mg/L	0.0034	0.0221	0.151	0.71	0.0087	0.18
175-199.99 mg/L	0.0039	0.0253	0.182	0.80	0.0112	0.20
200-224.99 mg/L	0.0045	0.0285	0.213	0.89	0.0138	0.23
225-249.99 mg/L	0.0050	0.0316	0.246	0.98	0.0168	0.25
250+ mg/L	0.0053	0.0332	0.262	1.02	0.0183	0.26

8.7.8.3 ***Additional Analytic Monitoring Requirements for Discharges From Waste Rock and Overburden Piles at Active Metal Mining Facilities.*** In addition to the monitoring required in Part 8.7.8.2 for discharges from waste rock and overburden piles, you must also conduct monitoring for additional parameters based on the type of ore you mine at your site. Where a parameter in Table 8.7.3 is the same as a pollutant you are required to monitor for in Table 8.7.2 (i.e., for all of the metals), you must use the corresponding benchmark in Table 8.7.2 and you may use any monitoring results conducted for Part 8.7.8.2 to satisfy the monitoring requirement for that parameter for Part 8.7.8.3. For radium and uranium, which do not have corresponding benchmarks in Table 8.7.2, there are no applicable benchmarks. The frequency and schedule for monitoring for these additional parameters is the same as that specified in Part 6.2.1.2.

Table 8.7.3. Additional Monitoring Requirements for Discharges from Waste Rock and Overburden Piles
Supplemental Requirements

Type of Ore Mined	Pollutants of Concern		
	Total Suspended Solids (TSS)	pH	Metals, Total
Tungsten Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)
Nickel Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)
Aluminum Ore	X	X	Iron
Mercury Ore	X	X	Nickel (H)
Iron Ore	X	X	Iron (Dissolved)
Platinum Ore			Cadmium (H), Copper (H), Mercury, Lead (H), Zinc (H)
Titanium Ore	X	X	Iron, Nickel (H), Zinc (H)
Vanadium Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)
Molybdenum	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Mercury, Zinc (H)
Uranium, Radium, and Vanadium Ore	X	X	Chemical Oxygen Demand, Arsenic, Radium (Dissolved and Total), Uranium, Zinc (H)

Note: An “X” indicated for TSS and/or pH means that you are required to monitor for those parameters. (H) indicates that hardness must also be measured when this pollutant is measured.

8.7.8.4 ***Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirements for Quarterly Visual Assessments and Routine Facility Inspections.*** As a Sector G facility, if you are seeking to exercise a waiver from the quarterly visual assessment and routine facility inspection requirements for inactive and unstaffed sites (including temporarily inactive sites), you are conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to stormwater” in Parts 3.1.1 and 3.2.3. This exemption is conditioned on the following:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the quarterly visual assessment requirements; and
- VIDPNR retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct quarterly visual assessments

and routine facility inspections. You must still do an annual site inspection in accordance with Part 3.1. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

Table 8.7.4. Applicability of the Multi-Sector General Permit to Stormwater Runoff From Active Mining and Dressing Sites, Temporarily Inactive Sites, and Sites Undergoing Reclamation	
Discharge/Source of Discharge	Note/Comment
Piles	
Waste rock/overburden	Covered under the VI MSGP if composed entirely of stormwater and not combined with mine drainage. See note below.
Topsoil	--
Roads constructed of waste rock or spent ore	
Onsite haul roads	Covered under the VI MSGP if composed entirely of stormwater and not combined with mine drainage. See note below.
Offsite haul and access roads	--
Roads not constructed of waste rock or spent ore	
Onsite haul roads	Covered under the VI MSGP except if mine drainage is used for dust control
Offsite haul and access roads	--
Milling/concentrating	
Runoff from tailings dams and dikes when constructed of waste rock/tailings	Covered under the VI MSGP except if process fluids are present and only if composed entirely of stormwater and not combined with mine drainage. See Note below.
Runoff from tailings dams/dikes when not constructed of waste rock and tailings	Covered under the VI MSGP except if process fluids are present
Concentration building	Covered under the VI MSGP if stormwater only and no contact with piles
Mill site	If stormwater only and no contact with piles
Ancillary areas	
Office and administrative building and housing	Covered under the VI MSGP if mixed with stormwater from the industrial area
Chemical storage area	--
Docking facility	Covered under the VI MSGP except if excessive contact with waste product that would otherwise constitute mine drainage
Explosive storage	--
Fuel storage (oil tanks/coal piles)	--
Vehicle and equipment maintenance area/building	--

Parking areas	Covered under the VI MSGP but coverage unnecessary if only employee and visitor-type parking
Reclamation-related areas	
Any disturbed area (unreclaimed)	Covered under the VI MSGP only if not in active mining area
Reclaimed areas released from reclamation requirements prior to Dec. 17, 1990	--
Partially/inadequately reclaimed areas or areas not released from reclamation requirements	--
Power plant	
Truck wash area	Covered under the VI MSGP except when excessive contact with waste product that would otherwise constitute mine drainage

Note: Stormwater runoff from these sources are subject to the TPDES program for stormwater unless mixed with discharges subject to 40 CFR Part 440 that are regulated by another permit prior to mixing. Non-stormwater discharges from these sources are subject to TPDES permitting and may be subject to the effluent limitation guidelines under 40 CFR Part 440. Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless: (1) it drains naturally (or is intentionally diverted) to a point source; and (2) combines with "mine drainage" that is otherwise regulated under the Part 440 regulations. For such sources, coverage under this permit would be available if the discharge composed entirely of stormwater does not combine with other sources of mine drainage that are not subject to 40 CFR Part 440, as well as meeting other eligibility criteria contained in Part 1.1 of the permit. Permit applicants/operators bear the initial responsibility for determining the applicable technology-based standard for such discharges. VIDPNR recommends that permit applicants contact the relevant TPDES permit issuance authority for assistance to determine the nature and scope of the "active mining area" on a mine-by-mine basis, as well as to determine the appropriate permitting mechanism for authorizing such discharges.

8.7.9 Termination of Permit Coverage

- 8.7.9.1 ***Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.*** A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 8.7.3.3.
- 8.7.9.2 ***Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.*** A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) stormwater runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards, (2) soil disturbing activities related to mining at the sites or portion of the site have been

completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to stormwater discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

8.8 Sector H – Coal Mines and Coal Mining-Related Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

Note: Where compliance with a requirement in a separate exploration permit, mining permit, reclamation plan, Surface Mining Control and Reclamation Act (SMCRA) requirements, etc. will result in you fully meeting any requirement in this Subpart, you are considered to have complied with the relevant requirement in this Subpart. You must include documentation in your SWPPP describing your rationale for concluding that any particular action on your part is sufficient to comply with the corresponding requirement in this Subpart.

8.8.1 Covered Stormwater Discharges.

The requirements in Part 8.8 apply to stormwater discharges associated with industrial activity from Coal Mines and Coal Mining-Related facilities including mines abandoned on Federal lands, as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector H.

8.8.2 Limitations on Coverage.

8.8.2.1 ***Prohibition of Non-Stormwater Discharges.*** (See also Part 1.1.4) Not covered by this permit: discharges from pollutant seeps or underground drainage from inactive coal mines and refuse disposal areas that do not result from precipitation events, and discharges from floor drains in maintenance buildings and other similar drains in mining and preparation plant areas. (VIDPNR includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.1.3).

8.8.2.2 ***Discharges Subject to Stormwater Effluent Guidelines.*** (See also Part 1.1.2.4) Not authorized by this permit: stormwater discharges subject to an existing effluent limitation guideline at 40 CFR Part 434.

8.8.3 Definitions

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

8.8.3.1 ***Mining operations*** - For this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each:

- a. earth-disturbing activities conducted prior to active mining activities; and
- b. active mining activities, which includes reclamation. “Mining operations” can occur at both inactive mining facilities and temporarily inactive mining facilities.

8.8.3.2 ***Earth-disturbing activities conducted prior to active mining activities*** – Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:

- a. activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and
- b. construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads. Earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining are considered to be “construction” and have additional effluent limits in Part 8.8.4.2.

8.8.3.3 ***Active mining activities*** - Activities related to the extraction, removal or recovery, and preparation of coal; removal of overburden and waste rock to expose mineable minerals; and site reclamation and closure activities. All such activities occur within the “active mining area.” Reclamation involves activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable federal and state reclamation requirements. In addition, once earth-disturbing activities conducted prior to active mining activities have ceased and all related requirements in Part 8.8.4 have been met, and a well-delineated “active mining area” has been established, all activities (including any clearing, grading, and excavation) that occur within the active mining area are “active mining activities.”

8.8.3.4 ***Active mining area*** - A place where work or other activity related to the extraction, removal or recovery of coal or metal ore is being conducted, except,

with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun.

Note: Earth-disturbing activities described in the definition in Part 8.8.3.2 that occur on areas outside the active mining area (e.g., for expansion of the mine into undeveloped territory) are considered “earth-disturbing conducted prior to active mining activities”, and must comply with the requirements in Part 8.8.4.

8.8.3.5 ***Inactive coal mining facility*** - A site or portion of a site where coal mining and/or milling occurred in the past but there are no active mining operations occurring as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable State or Federal agency. An inactive coal mining facility has an identifiable owner/operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require a TPDES industrial stormwater permit.

8.8.3.6 ***Temporarily inactive coal mining facility*** - A site or portion of a site where coal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable State or Federal agency.

8.8.4 Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.

Stormwater discharges from earth-disturbing activities conducted prior to active mining activities (defined in Part 8.8.3.2) are covered under this permit. For such earth-disturbing activities, you must comply with all applicable requirements in Parts 1-8 of the VI MSGP except for the technology-based effluent limits in Part 8.8.5 and Part 2.1.2, the inspection requirements in Part 8.8.7 and Part 3, and the monitoring requirements in Part 8.8.8 and Part 6.

Authorized discharges from areas where earth-disturbing activities have ceased and stabilization as specified in Part 8.8.4.19 or 8.8.4.2.11, where appropriate, has been completed (stabilization is not required for areas where active mining activities will occur), are no longer subject to the Part 8.8.4 requirements. At such time, authorized discharges become subject to all other applicable requirements in the VI MSGP, including the effluent limits in Parts 2.1.2 and 8.8.5, the inspection requirements in Parts 3 and 8.8.7, and the monitoring requirements in Parts 6 and 8.8.8.

8.8.4.1 ***Technology-Based Effluent Limits Applicable to All Earth-Disturbing Activities Conducted Prior to Active Mining Activities.*** The following technology-based effluent limits apply to authorized discharges from all earth-

disturbing activities conducted prior to active mining activities defined in Part 8.8.3.2(a) and 8.8.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.8.5 of the VI MSGP.

8.8.4.1.1 *Erosion and sediment control installation requirements.*

- By the time construction activities commence, install and make operational downgradient sediment controls, unless this timeframe is infeasible. If infeasible you must install and make such controls operational as soon as practicable or as soon as site conditions permit.
- All other stormwater controls described in the SWPPP must be installed and made operational as soon as conditions on each portion of the site allows.

8.8.4.1.2 *Erosion and sediment control maintenance requirements.* You must:

- Ensure that all erosion and sediment controls remain in effective operating condition.
- Wherever you determine that a stormwater control needs maintenance to continue operating effectively, initiate efforts to fix the problem immediately after its discovery, and complete such work by the end of the next work day.
- When a stormwater control must be replaced or significantly repaired, complete the work within 7 days, unless infeasible. If 7 days is infeasible, you must complete the installation or repair as soon practicable.

8.8.4.1.3 *Perimeter controls.* You must:

- Install sediment controls along those perimeter areas of your disturbed area that will receive stormwater, except where site conditions prevent the use of such controls (in which case, maximize their installation to the extent practicable).
- Remove sediment before it accumulates to one-half of the above-ground height of any perimeter control.

8.8.4.1.4 *Sediment track-out.* For construction vehicles and equipment exiting the site directly onto paved roads, you must:

- Use appropriate stabilization techniques to minimize sediment track-out from vehicles and equipment prior to exit;
- Use additional controls to remove sediment from vehicle and equipment tires prior to exit, where necessary;
- Remove sediment that is tracked out onto paved roads by end of the work day.

Note: VIDPNR recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after you have implemented sediment removal practices. Such “staining” is not a violation of Part 8.8.4.1.4.

8.8.4.1.5 *Soil or sediment stockpiles.* You must:

- Minimize erosion of stockpiles from stormwater and wind via temporary cover, if feasible.
- Prevent up-slope stormwater flows from causing erosion of stockpiles (e.g., by diverting flows around the stockpile).
- Minimize sediment from stormwater that runs off of stockpiles, using sediment controls (e.g., a sediment barrier or downslope sediment control).

8.8.4.1.6 *Sediment basins.* If you intend to install a sediment basin to treat stormwater from your earth-disturbing activities, you must:

- Provide storage for either (1) the 2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained.
- Prevent erosion of (1) basin embankments using stabilization controls (e.g., erosion control blankets), and (2) the inlet and outlet points of the basin using erosion controls and velocity dissipation devices.

8.8.4.1.7 *Minimize dust.* You must minimize the generation of dust through the appropriate application of water or other dust suppression techniques that minimize pollutants being discharged into surface waters.

8.8.4.1.8 *Restrictions on use of treatment chemicals.* If you intend to use sediment treatment chemicals at your site, you are subject to the following minimum requirements:

- Use conventional erosion and sediment controls prior to and after application of chemicals;
- Select chemicals suited to soil type, and expected turbidity, pH, flow rate;
- Minimize the discharge risk from stored chemicals;
- Comply with state/local requirements;
- Use chemicals in accordance with good engineering practices and specifications of chemical supplier;
- Ensure proper training;
- Provide proper SWPPP documentation.

If you plan to use cationic treatment chemicals (as defined in Appendix A), you are ineligible for coverage under this permit, unless you notify VIDPNR in advance and VIDPNR authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

8.8.4.1.9 *Site stabilization requirements for earth-disturbing activities performed for purposes of mine site preparation as defined in 8.8.3.2(a)* (i.e., not applicable to construction of staging areas for structures and access roads as defined in 8.8.3.2(b)). You must comply with the following stabilization requirements except where the intended function of the site accounts for such disturbed earth (e.g., the earth disturbances will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- *Temporary stabilization of disturbed areas.* Stabilization measures must be initiated immediately in portions of the site where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.8.3.2(a)) have temporarily ceased, but in no case more than 14 days after such activities have temporarily ceased. In arid, semi-arid, and drought-stricken areas, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities performed for purposes of mine site preparation has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site where earth-disturbing activities performed for purposes of mine site preparation have permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until active mining activities commence.
- *Final stabilization of disturbed areas.* Stabilization measures must be initiated immediately where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.8.3.2(a)) have permanently ceased, but in no case more than 14 days after the earth-disturbing activities have permanently ceased. In arid, semi-arid, and drought-stricken areas, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities have

permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.

8.8.4.2 ***Additional Technology-Based Effluent Limits Applicable Only to the Construction of Staging Areas for Structures and Access Roads.*** The following technology-based effluent limits apply to authorized discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads, as defined in Part 8.8.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.8.5 of the VI MSGP. These limits do not apply to earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.8.3.2(a)).

8.8.4.2.1 *Area of disturbance.* You must minimize the amount of soil exposed during construction activities.

8.8.4.2.2 *Erosion and sediment control design requirements.* You must:

- Design, install and maintain effective erosion and sediment controls to minimize the discharge of pollutants from construction activities. Account for the following factors in designing your erosion and sediment controls:
 - The expected amount, frequency, intensity and duration of precipitation;
 - The nature of stormwater runoff and run-on at the site, including factors such as impervious surfaces, slopes and site drainage features;
 - The range of soil particle sizes expected to be present on the site.
- Direct discharges from your stormwater controls to vegetated areas of your site to increase sediment removal and maximize stormwater infiltration, including any natural buffers, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.
- If any stormwater flow becomes or will be channelized at your site, you must design erosion and sediment controls to control both peak flowrates and total stormwater volume to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
- If you install stormwater conveyance channels, they must be designed to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. In addition, you must minimize

erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.

8.8.4.2.3 *Natural Buffers.* For any stormwater discharges from construction activities within 50 feet of a water of the USVI, you must comply with one of the following compliance alternatives:

1. Provide a 50-foot undisturbed natural buffer between construction activities and the water of the USVI; or
2. Provide an undisturbed natural buffer that is less than 50 feet supplemented by additional erosion and sediment controls, which in combination, achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer; or
3. If it is infeasible to provide an undisturbed natural buffer of any size, implement erosion and sediment controls that achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer.

There are exceptions when buffer requirements do not apply:

- There is no stormwater discharge from construction disturbances to a water of the USVI;
- The natural buffer has already been eliminated by preexisting development disturbances;
- The disturbance is for the construction of a water-dependent structure or construction approved under a CWA section 404 permit;
- For linear construction projects, you are not required to comply with the requirements if there are site constraints provided that, to the extent feasible, you limit disturbances within 50 feet of a water of the USVI and/or you provide supplemental erosion and sediment controls to treat stormwater discharges from any disturbances within 50 feet of a water of the USVI.

See

http://water.epa.gov/polwaste/npdes/stormwater/upload/cgp2012_appendixg.pdf for guidance on complying with these alternatives.

8.8.4.2.4 *Soil or sediment stockpiles.* In addition to the requirements in Part 8.8.4.1.5, you must locate any piles outside of any natural buffers established under Part 8.8.4.2.3.

8.8.4.2.5 *Sediment basins.* In addition to the requirements in Part 8.8.4.1.6, you must locate sediment basins outside of any surface waters and any natural buffers established under Part 8.8.4.2.3, and you must utilize outlet structures that withdraw water from the surface, unless infeasible.

8.8.4.2.6 *Native topsoil preservation.* You must preserve native topsoil removed during clearing, grading, or excavation, unless infeasible. Store topsoil in a manner that will maximize its use in reclamation or final vegetative stabilization (e.g., by keeping the topsoil stabilized with seed or similar measures). This requirement does not apply if the intended function of the disturbed area dictates that topsoil be disturbed or removed.

8.8.4.2.7 *Steep slopes.* You must minimize the disturbance of steep slopes. The permit does not prevent or prohibit disturbance on steep slopes.

Depending on site conditions and needs, disturbance on steep slopes may be necessary (e.g., a road cut in mountainous terrain; for grading steep slopes prior to erecting the mine office). Where steep slope disturbances are necessary, you can minimize the disturbances to steep slopes through the implementation of a number of standard erosion and sediment control practices, such as by phasing disturbances in these areas and using stabilization practices specifically for steep grades.

8.8.4.2.8 *Soil compaction.* Where final vegetative stabilization will occur or where infiltration practices will be installed, you must either restrict vehicle/ equipment use in these areas to avoid soil compaction or use soil conditioning techniques to support vegetative growth. Minimizing soil compaction is not required where compacted soil is integral to the functionality of the site.

8.8.4.2.9 *Dewatering Practices.* You are prohibited from discharging ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults or other similar points of accumulation, unless such waters are first effectively managed by appropriate controls (e.g., sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, or filtration systems). Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control.

You must also meet the following requirements for dewatering activities:

- Discharge requirements:
 - No discharging visible floating solids or foam;

- Remove oil, grease and other pollutants from dewatering water via an oil-water separator or suitable filtration device (such as a cartridge filter);
 - Utilize vegetated upland areas of the site, to the extent feasible, to infiltrate dewatering water before discharge. In no case shall waters of the USVI be considered part of the treatment area;
 - Implement velocity dissipation devices at all points where dewatering water is discharged;
 - Haul backwash water away for disposal or return it to the beginning of the treatment process; and
 - Clean or replace the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.
- Treatment chemical restrictions: If you use polymers, flocculants or other chemicals to treat dewatering water, you must comply with the requirements in Parts 8.8.4.1.8.

8.8.4.2.10 *Pollution prevention requirements.*

- *Prohibited discharges* (this non-exhaustive list of prohibited non-stormwater discharges is included here as a reminder that only the only allowable non-stormwater discharges are those enumerated in Part 1.1.3):
 - Wastewater from washout of concrete;
 - Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
 - Fuels, oils, or other pollutants used for operation and maintenance of vehicles or equipment;
 - Soaps, solvents, or detergents used in vehicle or equipment washing;
 - Toxic or hazardous substances from a spill or other release.
- *Design and location requirements*: Minimize the discharge of pollutants from pollutant sources by:
 - Minimizing exposure;
 - Using secondary containment, spill kits, or other equivalent measures;
 - Locating pollution sources away from surface waters, storm sewer inlets, and drainageways;
 - Cleaning up spills immediately (do not clean by hosing area down).
- *Pollution prevention requirements for wash waters*: Minimize the discharge of pollutants from equipment and vehicle washing,

wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

- *Pollution prevention requirements for the storage, handling, and disposal of construction products, materials, and wastes:* Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to stormwater. Minimization of exposure is not required in cases where the exposure to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

8.8.4.2.11 *Site Stabilization requirements for the construction of staging areas for structures and access roads as defined in 8.8.3.2(b) (i.e., not applicable to earth-disturbing activities performed for purposes of mine site preparation as defined in 8.8.3.2(a)).* You must comply with the following stabilization requirements, except where the intended function of the site accounts for such disturbed earth (e.g., the area of construction will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- By no later than the end of the next work day after construction work in an area has stopped permanently or temporarily (“temporarily” means the land will be idle for a period of 14 days or more but earth-disturbing activities will resume in the future), immediately initiate stabilization measures;
- If using vegetative measures, by no later than 14 days after initiating stabilization:
 - Seed or plant the area, and provide temporary cover to protect the planted area;
 - Once established, vegetation must be uniform, perennial (if final stabilization), and cover at least 70% of stabilized area based on density of native vegetation.
- If using non-vegetative stabilization, by no later than 14 days after initiating stabilization:
 - Install or apply all non-vegetative measures;
 - Cover all areas of exposed soil.

Note: For the purposes of this permit, VIDPNR will consider any of the following types of activities to constitute the initiation of stabilization: 1. Prepping the soil for vegetative or non-vegetative stabilization; 2. Applying mulch or other non-vegetative product to the exposed area; 3. Seeding or planting the exposed area; 4. Starting any of the activities in # 1 – 3 on a portion of the area to be stabilized, but not on the entire area; and 5. Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

Exceptions:

- Arid, semi-arid (if construction occurs during seasonally dry period), or drought-stricken areas:
 - Within 14 days of stopping construction work in an area, install any necessary non-vegetative stabilization measures;
 - Initiate vegetative stabilization as soon as conditions on the site allow;
 - Document the schedule that will be followed for initiating and completing vegetative stabilization;
 - Plant the area so that within 3 years the 70% cover requirement is met.

- Sites affected by severe storm events or other unforeseen circumstances:
 - Initiate vegetative stabilization as soon conditions on the site allow;
 - Document the schedule that will be followed for initiating and completing vegetative stabilization;
 - Plant the area so that so that within 3 years the 70% cover requirement is met.

8.8.4.3 ***Water Quality-Based Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.***

The following water quality-based limits apply to earth-disturbing activities conducted prior to active mining activities defined in Part 8.8.3.2(a) and 8.8.3.2(b), in addition to the water quality-based limits in Part 2.2 of the VI MSGP.

Stricter requirements apply if your site will discharge to an impaired water or a water that is identified by VIDPNR as Class A waters for antidegradation purposes:

- More rapid stabilization of exposed areas: Complete initial stabilization activities within 7 days of stopping earth-disturbing work.
- More frequent site inspections: Once every 7 days and within 24 hours of a storm event of 0.25 inches or greater.

8.8.4.4 *Inspection Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.*

The following requirements supersede the inspections requirements in Part 3 and 8.8.7 of the VI MSGP for earth-disturbing activities conducted prior to active mining activities defined in Part 8.8.3.2(a) and 8.8.3.2(b).

8.8.4.4.1 *Inspection Frequency*

- At least once every 7 calendar days, or
- Once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.

Note:

- Inspections only required during working hours;
- Inspections not required during unsafe conditions; and
- If you choose to inspect once every 14 days, you must have a method for measuring rainfall amount on site (either rain gauge or representative weather station)

Note: To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that.

Note: You are required to specify in your SWPPP which schedule you will be following.

Note: “Within 24 hours of the occurrence of a storm event” means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly in and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

8.8.4.4.2 *Reductions in Inspection Frequency*

- Stabilized areas: You may reduce the frequency of inspections to once per month in any area of your site where stabilization has occurred pursuant to Part 8.8.4.1.9 or 8.8.4.2.11.
- Arid, semi-arid, and drought stricken areas: If earth-disturbing activities are occurring during the seasonally dry period or during a period in which drought is predicted to occur, you may reduce

inspections to once per month and within 24 hours of a 0.25 inch storm event.

8.8.4.4.3 *Areas to be Inspected.* You must at a minimum inspect the following areas:

- Disturbed areas;
- Stormwater controls and pollution prevention measures;
- Locations where stabilization measures have been implemented;
- Material, waste, borrow, or equipment storage and maintenance areas;
- Areas where stormwater flows;
- Points of discharge.

8.8.4.4.4 *What to Check for During Inspections.* At a minimum you must check:

- Whether all stormwater controls are installed, operational, and working as intended;
- Whether any new or modified stormwater controls are needed;
- For conditions that could lead to a spill or leak;
- For visual signs of erosion/sedimentation at points of discharge.

If a discharge is occurring:

- The quality and characteristics of the discharge;
- Whether controls are operating effectively.

8.8.4.4.5 *Inspection Report.* Within 24 hours of an inspection, complete a report that includes:

- Inspection date;
- Name and title of inspector(s);
- Summary of inspection findings;
- Rainfall amount that triggered the inspection (if applicable);
- If it was unsafe to inspect a portion of the site, include documentation of the reason and the location(s);
- Each inspection report must be signed;
- Keep a current copy of all reports at the site or at an easily accessible location.

8.8.4.5 *Cessation of Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.* The requirements in 8.8.4 no longer apply for any earth-disturbing activities conducted prior to active mining activities as defined in 8.8.3.2(a) or 8.8.3.2(b) where:

1. Earth-disturbing activities have ceased; and

2. Stabilization has been met consistent with Part 8.8.4.1.9 or 8.8.4.2.11 (not required for areas where active mining activities will occur).

8.8.5 Technology-Based Effluent Limits for Active Mining Activities.

Note: These requirements do not apply for any discharges from earth-disturbing activities conducted prior to active mining as defined in 8.8.3.2(a) or 8.8.3.2(b).

- 8.8.5.1 ***Good Housekeeping Measures.*** (See also Part 2.1.2.2) As part of your good housekeeping program, in order to minimize discharges of pollutants in stormwater, implement control measures such as the following, where determined to be feasible (list not inclusive): using sweepers and covered storage; watering haul roads to minimize dust generation; and conserving vegetation to minimize erosion. For mines subject to dust control requirements under state or county air quality permits, provided the requirements are equivalent, compliance with such air permit dust requirements shall constitute compliance with the dust control effluent limit in Part 2.1.2.10.
- 8.8.5.2 ***Preventive Maintenance.*** (See also Part 2.1.2.3) Perform inspections or other equivalent measures of storage tanks and pressure lines of fuels, lubricants, hydraulic fluid, and slurry to prevent leaks due to deterioration or faulty connections.

8.8.6 Additional SWPPP Requirements for Mining Operations.

Note: The requirements in Part 8.8.6 are not applicable to inactive coal mining facilities.

- 8.8.6.1 ***Other Applicable Regulations.*** Most active coal mining-related areas (SIC Codes 1221-1241) are subject to sediment and erosion control regulations of the U.S. Office of Surface Mining (OSM) that enforces the Surface Mining Control and Reclamation Act (SMCRA). OSM has granted authority to most coal-producing states to implement SMCRA through State SMCRA regulations. All SMCRA requirements regarding control of stormwater-related pollutant discharges must be addressed and then documented with the SWPPP (directly or by reference).
- 8.8.6.2 ***Site Map.*** (See also Part 5.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; inactive mines and related areas; acidic spoil, refuse, or unreclaimed disturbed areas; and liquid storage tanks containing pollutants such as caustics, hydraulic fluids, and lubricants.
- 8.8.6.3 ***Potential Pollutant Sources.*** (See also Part 5.2.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them: truck traffic on haul roads and resulting generation of sediment subject to runoff and dust generation; fuel or other liquid storage; pressure lines

containing slurry, hydraulic fluid, or other potential harmful liquids; and loading or temporary storage of acidic refuse or spoil.

8.8.6.4 If you are in compliance with dust control requirements under state or county air quality permits, you must include (or summarize, as necessary) what the state or county air quality permit dust control requirements are and how you've achieved compliance with them.

8.8.7 Additional Inspection Requirements. (See also Part 3.1)

8.8.7.1 *Inspections of Active Mining-Related Areas.* (See also Part 3) Except for earth-disturbing activities conducted prior to active mining activities as defined in Part 8.8.3.2(a) and 8.8.3.2(b), which are subject to Part 8.8.4.4, perform routine inspections of active mining areas covered by this permit, corresponding with the inspections as performed by SMCRA inspectors, of all mining-related areas required by SMCRA. Also maintain the records of the SMCRA authority representative. See Part 8.8.8.1 for inspection requirements for inactive and unstaffed sties.

8.8.7.2 *Sediment and Erosion Control.* (See also Part 2.1.2.5) As indicated in Part 8.8.6.1, SMCRA requirements regarding sediment and erosion control measures must be complied with for those areas subject to SMCRA authority, including inspection requirements.

8.8.7.3 *Routine Site Inspections.* (See also Part 3.1) Your inspection program must include inspections for pollutants entering the drainage system from activities located on or near coal mining-related areas. Among the areas to be inspected are haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; and inactive mines and related areas.

8.8.8 Sector-Specific Benchmarks. (See also Part 6)

Table 8.8.1 identifies benchmarks that apply to the specific subsectors of Sector H. These benchmarks apply to both your primary industrial activity and any co-located industrial activities. Note: There are no Part 8.8.8 monitoring and reporting or impaired waters monitoring requirements for inactive and unstaffed sites.

Table 8.8-1		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector H1. Coal Mines and Related	Total Aluminum	0.75 mg/L

Areas (SIC 1221-1241)	Total Iron	1.0 mg/L
	Total Suspended Solids (TSS)	100 mg/L

8.8.8.1 ***Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Benchmark Monitoring.*** As a Sector H facility, if you are seeking to exercise a waiver from either the quarterly visual assessment or the benchmark and/or impaired waters monitoring requirements for inactive and unstaffed sites (including temporarily inactive sites), you are conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to stormwater” in Parts 3.2.3 6.2.1.3, and 6.2.4.2. Additionally, if you are seeking to reduce your required quarterly routine inspection frequency to a once annual comprehensive inspection, as is allowed under Part 3.1.1, you are also conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to stormwater.” These conditional exemptions are based on the following requirements:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements as if you were in your first year of permit coverage, and the quarterly visual assessment requirements; and
- VIDPNR retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause or contribute to an instream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct quarterly visual assessments, routine facility inspections and benchmark and impaired waters monitoring. You must still conduct an annual site inspection in accordance with Part 3.1. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

8.8.9 Termination of Permit Coverage

8.8.9.1 ***Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.*** A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this

permit if the site or portion of the site has been reclaimed as defined in Part 8.8.3.5.

8.8.9.2 ***Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.*** A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) stormwater runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to stormwater discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

8.9 Subpart I – Sector I – Oil and Gas Extraction.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.9.1 Covered Stormwater Discharges.

The requirements in Part 8.9 apply to stormwater discharges associated with industrial activity from Oil and Gas Extraction facilities including mines abandoned on Federal lands, as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector I.

8.9.1.1 *Discharges of stormwater runoff from field activities.*

Discharges of stormwater runoff from field activities or operations associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities are exempt from TPDES permit coverage unless, in accordance with 40 CFR 122.26(c)(1)(iii), the facility:

- Has had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at anytime since November 16, 1987; or

- Has had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or
- Contributes to a violation of a water quality standard.

Any stormwater discharges that require permit coverage as a result of meeting one of the conditions of 122.26(c)(1)(iii) may be covered under this permit unless otherwise required to obtain coverage under an alternative TPDES general permit or an individual TPDES permit as specified in Part 1.6.1.

8.9.2 Limitations on Coverage.

8.9.2.1 *Stormwater Discharges Subject to Effluent Limitation Guidelines.* (See also Part 1.1.4.5) This permit does not authorize stormwater discharges from petroleum drilling operations that are subject to nationally established effluent limitation guidelines found at 40 CFR Part 435, respectively.

8.9.2.2 *Non-Stormwater Discharges.* Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit. Alternatively, wash water discharges must be authorized under a separate TPDES permit, or be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements. (VIDPNR includes this prohibited non-stormwater discharge here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.1.3).

8.9.3 Additional Technology-Based Effluent Limits.

8.9.3.1 *Vegetative Controls.* Implement vegetative practices designed to preserve existing vegetation, where attainable, and revegetate open areas as soon as practicable after grade drilling. Implement appropriate vegetative practices, such as the following (list not exclusive): temporary or permanent seeding, mulching, sod stabilization, vegetative buffer strips, and tree protection practices. Begin implementing appropriate vegetative practices on all disturbed areas within 14 days following the last activity in that area.

8.9.4 Additional SWPPP Requirements.

8.9.4.1 *Drainage Area Site Map.* (See also Part 5.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: Reportable Quantity (RQ) releases; locations used for the treatment, storage, or disposal of wastes; processing areas and storage areas; chemical mixing areas; construction and drilling areas; all areas subject to the effluent guidelines requirements for “No Discharge” in accordance with 40 CFR 435.32; and the structural controls to achieve compliance with the “No Discharge” requirements.

8.9.4.2 **Potential Pollutant Sources.** (See also Part 5.2.3) Also document in your SWPPP the following sources and activities that have potential pollutants associated with them: chemical, cement, mud, or gel mixing activities; drilling or mining activities; and equipment cleaning and rehabilitation activities. In addition, include information about the reportable quantity (RQ) release that triggered the permit application requirements: the nature of the release (e.g., spill of oil from a drum storage area), amount of oil or hazardous substance released, amount of substance recovered, date of the release, cause of the release (e.g., poor handling techniques and lack of containment in the area), areas affected by the release (i.e., land and water), procedure to clean up release, actions or procedures implemented to prevent or improve response to a release, and remaining potential contamination of stormwater from release (taking into account human health risks, the control of drinking water intakes, and the designated uses of the receiving water).

8.9.4.3 **Erosion and Sedimentation Control.** (See also Part 2.1.2.5) Unless covered by the current TPDES Virgin Islands Construction General Permit (VI CGP) (TPDES Permit No. VIGSA0000), the additional documentation requirements for sediment and erosion controls for well drillings and sand/shale mining areas include the following:

8.9.4.3.1 Site Description. Also include a description in your SWPPP of the nature of the exploration activity, estimates of the total area of site and area disturbed due to exploration activity, an estimate of runoff coefficient of the site, a site drainage map, including approximate slopes, and the names of all receiving waters.

8.9.4.3.2 Vegetative Controls. Document vegetative practices used consistent with Part 8.9.3.1 in the SWPPP.

8.9.5 Additional Inspection Requirements.

All erosion and sedimentation control measures must be inspected every 1) 7 days; or 2) once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.

8.10 Sector J – Non-Metallic Mineral Mining and Dressing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

Note: Where compliance with a requirement in a separate exploration permit, mining permit, reclamation plan, Surface Mining Control and Reclamation Act (SMCRA)

requirements, etc. will result in you fully meeting any requirement in this Subpart, you are considered to have complied with the relevant requirement in this Subpart. You must include documentation in your SWPPP describing your rationale for concluding that any particular action on your part is sufficient to comply with the corresponding requirement in this Subpart.

8.10.1 Covered Stormwater Discharges.

The requirements in Part 8.10 apply to stormwater discharges associated with industrial activity from Active and Inactive Non-Metallic Mineral Mining and Dressing facilities as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector J.

8.10.1.1 *Covered Discharges from Inactive Facilities.* All stormwater discharges.

8.10.1.2 *Covered Discharges from Active and Temporarily Inactive Facilities.* All stormwater discharges, except for most stormwater discharges subject to the existing effluent limitation guideline at 40 CFR Part 436. Mine dewatering discharges composed entirely of stormwater or uncontaminated ground water seepage from: construction sand and gravel, industrial sand, and crushed stone mining facilities are covered by this permit.

8.10.1.3 *Covered Discharges from Exploration and Construction of Non-Metallic Mineral Mining Facilities.* All stormwater discharges.

8.10.1.4 *Covered Discharges from Sites Undergoing Reclamation.* All stormwater discharges.

8.10.2 Limitations on Coverage.

Most stormwater discharges subject to an existing effluent limitation guideline at 40 CFR Part 436 are not authorized by this permit. The exceptions to this limitation, which are covered by this permit, are mine dewatering discharges composed entirely of stormwater or uncontaminated ground water seepage from construction sand and gravel, industrial sand, and crushed stone mining facilities.

8.10.3 Definitions.

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

8.10.3.1 *Mining operations* - For this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each:

- a. earth-disturbing activities conducted prior to active mining activities; and

- b. active mining activities, which includes reclamation. “Mining operations” can occur at both inactive mining facilities and temporarily inactive mining facilities.

8.10.3.2 ***Earth-disturbing activities conducted prior to active mining activities*** – Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:

- a. activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and
- b. construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads. Earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining are considered to be “construction” and have additional effluent limits in Part 8.10.4.2.

8.10.3.3 ***Active mining activities*** - Activities related to the extraction, removal or recovery, and beneficiation of non- metallic minerals from the earth; removal of overburden and waste rock to expose mineable minerals; and site reclamation and closure activities. All such activities occur within the “active mining area.” Reclamation involves activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable federal and state reclamation requirements. In addition, once earth-disturbing activities conducted prior to active mining activities have ceased and all related requirements in Part 8.10.4 have been met, and a well-delineated “active mining area” has been established, all activities (including any clearing, grading, and excavation) that occur within the active mining area are “active mining activities.”

8.10.3.4 ***Active mining area*** - A place where work or other activity related to the extraction, removal or recovery of non- metallic minerals is being conducted, except, with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun.

Note: Earth-disturbing activities described in the definition in Part 8.10.3.2 that occur on areas outside the active mining area (e.g., for expansion of the mine into

undeveloped territory) are considered “earth-disturbing conducted prior to active mining activities”, and must comply with the requirements in Part 8.10.4.

- 8.10.3.5 ***Inactive Mineral Mining Facility*** - A site or portion of a site where mineral mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable Territorial or Federal agency. An inactive mineral mining facility has an identifiable owner/operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require a TPDES industrial stormwater permit.
- 8.10.3.6 ***Temporarily Inactive Mineral Mining Facility*** - A site or portion of a site where metal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable Territorial or Federal agency.

8.10.4 Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.

Stormwater discharges from earth-disturbing activities conducted prior to active mining activities (defined in Part 8.10.3.2) are covered under this permit. For such earth-disturbing activities, you must comply with all applicable requirements in Parts 1-8 of the VI MSGP except for the technology-based effluent limits in Part 8.10.5 and Part 2.1.2, the inspection requirements in Part 8.10.7 and Part 3, and the monitoring requirements in Part 8.10.8 and Part 6.

Authorized discharges from areas where earth-disturbing activities have ceased and stabilization as specified in Part 8.10.4.19 or 8.10.4.2.11, where appropriate, has been completed (stabilization is not required for areas where active mining activities will occur), are no longer subject to the Part 8.10.4 requirements. At such time, authorized discharges become subject to all other applicable requirements in the VI MSGP, including the effluent limits in Parts 2.1.2 and 8.10.5, the inspection requirements in Parts 3 and 8.10.7, and the monitoring requirements in Parts 6 and 8.10.8.

- 8.10.4.1 ***Technology-Based Effluent Limits Applicable to All Earth-Disturbing Activities Conducted Prior to Active Mining Activities.*** The following technology-based effluent limits apply to authorized discharges from all earth-disturbing activities conducted prior to active mining activities defined in Part 8.10.3.2(a) and 8.10.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.10.5 of the VI MSGP.

8.10.4.1.1 *Erosion and sediment control installation requirements.*

- By the time construction activities commence, install and make operational downgradient sediment controls, unless this timeframe is infeasible. If infeasible you must install and make such controls operational as soon as practicable or as soon as site conditions permit.
- All other stormwater controls described in the SWPPP must be installed and made operational as soon as conditions on each portion of the site allows.

8.10.4.1.2 *Erosion and sediment control maintenance requirements.* You must:

- Ensure that all erosion and sediment controls remain in effective operating condition.
- Wherever you determine that a stormwater control needs maintenance to continue operating effectively, initiate efforts to fix the problem immediately after its discovery, and complete such work by the end of the next work day.
- When a stormwater control must be replaced or significantly repaired, complete the work within 7 days, unless infeasible. If 7 days is infeasible, you must complete the installation or repair as soon practicable.

8.10.4.1.3 *Perimeter controls.* You must:

- Install sediment controls along those perimeter areas of your disturbed area that will receive stormwater, except where site conditions prevent the use of such controls (in which case, maximize their installation to the extent practicable).
- Remove sediment before it accumulates to one-half of the above-ground height of any perimeter control.

8.10.4.1.4 *Sediment track-out.* For construction vehicles and equipment exiting the site directly onto paved roads, you must:

- Use appropriate stabilization techniques to minimize sediment track-out from vehicles and equipment prior to exit;
- Use additional controls to remove sediment from vehicle and equipment tires prior to exit, where necessary;
- Remove sediment that is tracked out onto paved roads by end of the work day.

Note: VIDPNR recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after you have implemented sediment removal practices. Such “staining” is not a violation of Part 8.10.4.1.4.

8.10.4.1.5 *Soil or sediment stockpiles.* You must:

- Minimize erosion of stockpiles from stormwater and wind via temporary cover, if feasible.
- Prevent up-slope stormwater flows from causing erosion of stockpiles (e.g., by diverting flows around the stockpile).
- Minimize sediment from stormwater that runs off of stockpiles, using sediment controls (e.g., a sediment barrier or downslope sediment control).

8.10.4.1.6 *Sediment basins.* If you intend to install a sediment basin to treat stormwater from your earth-disturbing activities, you must:

- Provide storage for either (1) the 2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained.
- Prevent erosion of (1) basin embankments using stabilization controls (e.g., erosion control blankets), and (2) the inlet and outlet points of the basin using erosion controls and velocity dissipation devices.

8.10.4.1.7 *Minimize dust.* You must minimize the generation of dust through the appropriate application of water or other dust suppression techniques that minimize pollutants being discharged into surface waters.

8.10.4.1.8 *Restrictions on use of treatment chemicals.* If you intend to use sediment treatment chemicals at your site, you are subject to the following minimum requirements:

- Use conventional erosion and sediment controls prior to and after application of chemicals;
- Select chemicals suited to soil type, and expected turbidity, pH, flow rate;
- Minimize the discharge risk from stored chemicals;
- Comply with state/local requirements;
- Use chemicals in accordance with good engineering practices and specifications of chemical supplier;
- Ensure proper training;
- Provide proper SWPPP documentation.

If you plan to use cationic treatment chemicals (as defined in Appendix A), you are ineligible for coverage under this permit, unless you notify VIDPNR in advance and VIDPNR authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your

use of cationic treatment chemicals will not lead to a violation of water quality standards.

8.10.4.1.9 *Site stabilization requirements for earth-disturbing activities performed for purposes of mine site preparation as defined in 8.10.3.2(a)* (i.e., not applicable to construction of staging areas for structures and access roads as defined in 8.10.3.2(b)). You must comply with the following stabilization requirements except where the intended function of the site accounts for such disturbed earth (e.g., the earth disturbances will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- *Temporary stabilization of disturbed areas.* Stabilization measures must be initiated immediately in portions of the site where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.10.3.2(a)) have temporarily ceased, but in no case more than 14 days after such activities have temporarily ceased. In arid, semi-arid, and drought-stricken areas, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities performed for purposes of mine site preparation has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site where earth-disturbing activities performed for purposes of mine site preparation have permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until active mining activities commence.
- *Final stabilization of disturbed areas.* Stabilization measures must be initiated immediately where earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.10.3.2(a)) have permanently ceased, but in no case more than 14 days after the earth-disturbing activities have permanently ceased. In arid, semi-arid, and drought-stricken areas, where initiating perennial vegetative stabilization measures is not possible within 14 days after earth-disturbing activities have permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved, temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.

8.10.4.2 ***Additional Technology-Based Effluent Limits Applicable Only to the Construction of Staging Areas for Structures and Access Roads.*** The following technology-based effluent limits apply to authorized discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads, as defined in Part 8.10.3.2(b). These limits supersede the technology-based limits listed in Part 2.1.2 and Part 8.10.5 of the VI MSGP. These limits do not apply to earth-disturbing activities performed for purposes of mine site preparation (as defined in 8.10.3.2(a)).

8.10.4.2.1 *Area of disturbance.* You must minimize the amount of soil exposed during construction activities.

8.10.4.2.2 *Erosion and sediment control design requirements.* You must:

- Design, install and maintain effective erosion and sediment controls to minimize the discharge of pollutants from construction activities. Account for the following factors in designing your erosion and sediment controls:
 - The expected amount, frequency, intensity and duration of precipitation;
 - The nature of stormwater runoff and run-on at the site, including factors such as impervious surfaces, slopes and site drainage features;
 - The range of soil particle sizes expected to be present on the site.
- Direct discharges from your stormwater controls to vegetated areas of your site to increase sediment removal and maximize stormwater infiltration, including any natural buffers, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.
- If any stormwater flow becomes or will be channelized at your site, you must design erosion and sediment controls to control both peak flowrates and total stormwater volume to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
- If you install stormwater conveyance channels, they must be designed to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. In addition, you must minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any

constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.

8.10.4.2.3 *Natural Buffers.* For any stormwater discharges from construction activities within 50 feet of a water of the USVI, you must comply with one of the following compliance alternatives:

4. Provide a 50-foot undisturbed natural buffer between construction activities and the water of the USVI; or
5. Provide an undisturbed natural buffer that is less than 50 feet supplemented by additional erosion and sediment controls, which in combination, achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer; or
6. If it is infeasible to provide an undisturbed natural buffer of any size, implement erosion and sediment controls that achieve a sediment load reduction that is equivalent to a 50-foot undisturbed natural buffer.

There are exceptions when buffer requirements do not apply:

- There is no stormwater discharge from construction disturbances to a water of the USVI;
- The natural buffer has already been eliminated by preexisting development disturbances;
- The disturbance is for the construction of a water-dependent structure or construction approved under a CWA section 404 permit;
- For linear construction projects, you are not required to comply with the requirements if there are site constraints provided that, to the extent feasible, you limit disturbances within 50 feet of a water of the USVI and/or you provide supplemental erosion and sediment controls to treat stormwater discharges from any disturbances within 50 feet of a water of the USVI.

See

http://water.epa.gov/polwaste/npdes/stormwater/upload/cgp2012_appendixg.pdf for guidance on complying with these alternatives.

8.10.4.2.4 *Soil or sediment stockpiles.* In addition to the requirements in Part 8.10.4.1.5, you must locate any piles outside of any natural buffers established under Part 8.10.4.2.3.

8.10.4.2.5 *Sediment basins.* In addition to the requirements in Part 8.10.4.1.6, you must locate sediment basins outside of any surface waters and any natural buffers established under Part 8.10.4.2.3, and you must utilize outlet structures that withdraw water from the surface, unless infeasible.

8.10.4.2.6 *Native topsoil preservation.* You must preserve native topsoil removed during clearing, grading, or excavation, unless infeasible. Store topsoil in a manner that will maximize its use in reclamation or final vegetative stabilization (e.g., by keeping the topsoil stabilized with seed or similar measures). This requirement does not apply if the intended function of the disturbed area dictates that topsoil be disturbed or removed.

8.10.4.2.7 *Steep slopes.* You must minimize the disturbance of steep slopes. The permit does not prevent or prohibit disturbance on steep slopes.

Depending on site conditions and needs, disturbance on steep slopes may be necessary (e.g., a road cut in mountainous terrain; for grading steep slopes prior to erecting the mine office). Where steep slope disturbances are necessary, you can minimize the disturbances to steep slopes through the implementation of a number of standard erosion and sediment control practices, such as by phasing disturbances in these areas and using stabilization practices specifically for steep grades.

8.10.4.2.8 *Soil compaction.* Where final vegetative stabilization will occur or where infiltration practices will be installed, you must either restrict vehicle/ equipment use in these areas to avoid soil compaction or use soil conditioning techniques to support vegetative growth. Minimizing soil compaction is not required where compacted soil is integral to the functionality of the site.

8.10.4.2.9 *Dewatering Practices.* You are prohibited from discharging ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults or other similar points of accumulation, unless such waters are first effectively managed by appropriate controls (e.g., sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, or filtration systems). Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control.

You must also meet the following requirements for dewatering activities:

- Discharge requirements:
 - No discharging visible floating solids or foam;
 - Remove oil, grease and other pollutants from dewatering water via an oil-water separator or suitable filtration device (such as a cartridge filter);
 - Utilize vegetated upland areas of the site, to the extent feasible, to infiltrate dewatering water before discharge. In no case shall waters of the USVI be considered part of the treatment area;

- Implement velocity dissipation devices at all points where dewatering water is discharged;
 - Haul backwash water away for disposal or return it to the beginning of the treatment process; and
 - Clean or replace the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.
- Treatment chemical restrictions: If you use polymers, flocculants or other chemicals to treat dewatering water, you must comply with the requirements in Parts 8.10.4.1.8.

8.10.4.2.10 *Pollution prevention requirements.*

- *Prohibited discharges* (this non-exhaustive list of prohibited non-stormwater discharges is included here as a reminder that only the only allowable non-stormwater discharges are those enumerated in Part 1.1.3):
 - Wastewater from washout of concrete;
 - Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
 - Fuels, oils, or other pollutants used for operation and maintenance of vehicles or equipment;
 - Soaps, solvents, or detergents used in vehicle or equipment washing;
 - Toxic or hazardous substances from a spill or other release.
- *Design and location requirements*: Minimize the discharge of pollutants from pollutant sources by:
 - Minimizing exposure;
 - Using secondary containment, spill kits, or other equivalent measures;
 - Locating pollution sources away from surface waters, storm sewer inlets, and drainageways;
 - Cleaning up spills immediately (do not clean by hosing area down).
- *Pollution prevention requirements for wash waters*: Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
- *Pollution prevention requirements for the storage, handling, and disposal of construction products, materials, and wastes*:

Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to stormwater. Minimization of exposure is not required in cases where the exposure to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

8.10.4.2.11 *Site Stabilization requirements for the construction of staging areas for structures and access roads as defined in 8.10.3.2(b) (i.e., not applicable to earth-disturbing activities performed for purposes of mine site preparation as defined in 8.10.3.2(a)).* You must comply with the following stabilization requirements, except where the intended function of the site accounts for such disturbed earth (e.g., the area of construction will become actively mined, or the controls implemented at the active mining area effectively control the disturbance):

- By no later than the end of the next work day after construction work in an area has stopped permanently or temporarily (“temporarily” means the land will be idle for a period of 14 days or more but earth-disturbing activities will resume in the future), immediately initiate stabilization measures;
- If using vegetative measures, by no later than 14 days after initiating stabilization:
 - Seed or plant the area, and provide temporary cover to protect the planted area;
 - Once established, vegetation must be uniform, perennial (if final stabilization), and cover at least 70% of stabilized area based on density of native vegetation.
- If using non-vegetative stabilization, by no later than 14 days after initiating stabilization:
 - Install or apply all non-vegetative measures;
 - Cover all areas of exposed soil.

Note: For the purposes of this permit, VIDPNR will consider any of the following types of activities to constitute the initiation of stabilization: 1. Prepping the soil for vegetative or non-vegetative stabilization; 2. Applying mulch or other non-vegetative product to the exposed area; 3. Seeding or planting the exposed area; 4. Starting any of the activities in # 1 – 3 on a portion of the area to be

stabilized, but not on the entire area; and 5. Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

Exceptions:

- Arid, semi-arid (if construction occurs during seasonally dry period), or drought-stricken areas:
 - Within 14 days of stopping construction work in an area, install any necessary non-vegetative stabilization measures;
 - Initiate vegetative stabilization as soon as conditions on the site allow;
 - Document the schedule that will be followed for initiating and completing vegetative stabilization;
 - Plant the area so that within 3 years the 70% cover requirement is met.

- Sites affected by severe storm events or other unforeseen circumstances:
 - Initiate vegetative stabilization as soon conditions on the site allow;
 - Document the schedule that will be followed for initiating and completing vegetative stabilization;
 - Plant the area so that so that within 3 years the 70% cover requirement is met.

8.10.4.3 *Water Quality-Based Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.*

The following water quality-based limits apply to earth-disturbing activities conducted prior to active mining activities defined in Part 8.10.3.2(a) and 8.10.3.2(b), in addition to the water quality-based limits in Part 2.2 of the VI MSGP.

Stricter requirements apply if your site will discharge to an impaired water or a water that is identified by VIDPNR as Class A waters for antidegradation purposes:

- More rapid stabilization of exposed areas: Complete initial stabilization activities within 7 days of stopping earth-disturbing work/construction work.
- More frequent site inspections: Once every 7 days and within 24 hours of a storm event of 0.25 inches or greater.

8.10.4.4 *Inspection Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.*

The following requirements supersede the inspections requirements in Part 3 and 8.10.7 of the VI MSGP for earth-disturbing activities conducted prior to active mining activities defined in Part 8.10.3.2(a) and 8.10.3.2(b).

8.10.4.4.1 Inspection Frequency

- At least once every 7 calendar days, or
- Once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.

Note:

- Inspections only required during working hours;
- Inspections not required during unsafe conditions; and
- If you choose to inspect once every 14 days, you must have a method for measuring rainfall amount on site (either rain gauge or representative weather station)

Note: To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day.

Note: You are required to specify in your SWPPP which schedule you will be following.
Note: “Within 24 hours of the occurrence of a storm event” means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

8.10.4.4.2 Reductions in Inspection Frequency

- Stabilized areas: You may reduce the frequency of inspections to once per month in any area of your site where stabilization has occurred pursuant to Part 8.10.4.1.9 or 8.10.4.2.11.
- Arid, semi-arid, and drought stricken areas: If earth-disturbing activities are occurring during the seasonally dry period or during a period in which drought is predicted to occur, you may reduce inspections to once per month and within 24 hours of a 0.25 inch storm event.

8.10.4.4.3 Areas to be Inspected. You must at a minimum inspect the following areas:

- Disturbed areas;
- Stormwater controls and pollution prevention measures;
- Locations where stabilization measures have been implemented;

- Material, waste, borrow, or equipment storage and maintenance areas;
- Areas where stormwater flows;
- Points of discharge.

8.10.4.4.4 *What to Check for During Inspections.* At a minimum you must check:

- Whether all stormwater controls are installed, operational, and working as intended;
- Whether any new or modified stormwater controls are needed;
- For conditions that could lead to a spill or leak;
- For visual signs of erosion/sedimentation at points of discharge.

If a discharge is occurring:

- The quality and characteristics of the discharge;
- Whether controls are operating effectively.

8.10.4.4.5 *Inspection Report.* Within 24 hours of an inspection, complete a report that includes:

- Inspection date;
- Name and title of inspector(s);
- Summary of inspection findings;
- Rainfall amount that triggered the inspection (if applicable);
- If it was unsafe to inspect a portion of the site, include documentation of the reason and the location(s);
- Each inspection report must be signed;
- Keep a current copy of all reports at the site or at an easily accessible location.

8.10.4.5 *Cessation of Requirements Applicable to Earth-Disturbing Activities Conducted Prior to Active Mining Activities.* The requirements in 8.10.4 no longer apply for any earth-disturbing activities conducted prior to active mining activities as defined in 8.10.3.2(a) or 8.10.3.2(b) where:

1. Earth-disturbing activities have ceased; and
2. Stabilization has been met consistent with Part 8.10.4.1.9 or 8.10.4.2.11 (not required for areas where active mining activities will occur).

8.10.5 Technology-Based Effluent Limits for Active Mining Activities.

Note: These requirements do not apply for any discharges from earth-disturbing activities conducted prior to active mining as defined in 8.10.3.2(a) or 8.10.3.2(b).

8.10.5.1 **Employee Training.** Conduct employee training at least annually at active and temporarily inactive sites. (See also Part 2.1.2.8)

8.10.5.2 **Stormwater Controls.** Apart from the control measures you implement to meet your Part 2 effluent limits, where necessary to minimize pollutant discharges, implement the following control measures at your site. The potential pollutants identified in Part 8.10.6.3 shall determine the priority and appropriateness of the control measures selected.

Stormwater Diversions. Divert stormwater away from potential pollutant sources through implementation of control measures such as the following, where determined to be feasible (list not exclusive): interceptor or diversion controls (e.g., dikes, swales, curbs, berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents. For mines subject to dust control requirements under state or county air quality permits, provided the requirements are equivalent, compliance with such air permit dust requirements shall constitute compliance with the dust control effluent limit in Part 2.1.2.10.

Capping. When capping is necessary to minimize pollutant discharges in stormwater, identify the source being capped and the material used to construct the cap.

Treatment. If treatment of stormwater (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. Passive and/or active treatment of stormwater runoff is encouraged. Treated runoff may be discharged as a stormwater source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Mineral Mining and Processing Point Source Category (40 CFR Part 436).

8.10.5.3 **Discharge Testing:** (See also Part 5.2.3.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related unauthorized non-stormwater discharges such as discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 436). Alternatively (if applicable), you may keep a certification with your SWPPP per part 8.10.6.6.

8.10.6 Additional SWPPP Requirements for Mining Operations.

The requirements in Part 8.10.6 are applicable for sites undergoing exploration and construction, active mineral mining facilities, temporarily inactive mineral mining facilities, and sites undergoing reclamation. The requirements in Part 8.10.6 are not applicable to inactive mineral mining facilities.

- 8.10.6.1 ***Nature of Industrial Activities.*** (See also Part 5.2.2) Document in your SWPPP the mining and associated activities that can potentially affect the stormwater discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.
- 8.10.6.2 ***Site Map.*** (See also Part 5.2.2) Document in your SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each stormwater outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual TPDES permit, outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage dewatering or other process water; heap leach pads; off-site points of discharge for mine dewatering and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.
- 8.10.6.3 ***Potential Pollutant Sources.*** (See also Part 5.2.3) For each area of the mine or mill site where stormwater discharges associated with industrial activities occur, document in your SWPPP the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. For example, phosphate mining facilities will likely need to document pollutants such as selenium, which can be present in significant amounts in their discharges. Consider these factors: the mineralogy of the waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with stormwater; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing waste rock or overburden characterization data and test results for potential generation of acid rock drainage.
- 8.10.6.4 ***Documentation of Control Measures.*** To the extent that you use any of the control measures in Part 8.10.5.2, document them in your SWPPP pursuant to Part 5.2.4. If control measures are implemented or planned but are not listed here (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in your SWPPP. If you are in compliance with dust control requirements under state or county air quality permits, you must state (or summarize, as necessary) what the state or county air quality permit dust control requirements are and how you've achieved compliance with them.
- 8.10.6.5 ***Employee Training.*** All employee training(s) conducted in accordance with Part 8.10.5.1 must be documented with the SWPPP.

8.10.6.6 ***Certification of Permit Coverage for Commingled Non-Stormwater Discharges.*** If you determine that you are able to certify, consistent with Part 8.10.5.3, that a particular discharge composed of commingled stormwater and non-stormwater is covered under a separate TPDES permit, and that permit subjects the non-stormwater portion to effluent limitations prior to any commingling, you must retain such certification with your SWPPP. This certification must identify the non-stormwater discharges, the applicable TPDES permit(s), the effluent limitations placed on the non-stormwater discharge by the permit(s), and the points at which the limitations are applied.

8.10.7 Additional Inspection Requirements. (See also Part 3.1)

Except for earth-disturbing activities conducted prior to active mining activities as defined in Part 8.10.3.2(a) and 8.10.3.2(b), which are subject to Part 8.10.4.4, perform inspections at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to Class A waters which are designated as outstanding waters or waters which are impaired for sediment or nitrogen must be inspected monthly. See Part 8.10.8.1 for inspection requirements for inactive and unstaffed sites.

8.10.8 Sector-Specific Benchmarks (See also Part 6)

Table 8.10-1 identifies benchmarks that apply to the specific subsectors of Sector J. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities. Note: There are no Part 8.10.8 monitoring and reporting or impaired waters monitoring requirements for inactive and unstaffed sites.

Table 8.10-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector J1. Sand and Gravel Mining (SIC 1442, 1446)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Suspended Solids (TSS)	100 mg/L
Subsector J2. Dimension and Crushed Stone and Nonmetallic Minerals (except fuels) (SIC 1411, 1422-1429, 1481, 1499)	Total Suspended Solids (TSS)	100 mg/L

8.10.8.1 ***Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Benchmark and Impaired Waters Monitoring.*** As a Sector J facility, if you are seeking to exercise a waiver from either the routine inspection, quarterly visual assessment or the benchmark and/or impaired monitoring requirements for inactive and unstaffed sites (including temporarily inactive sites), you are

conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to stormwater” in Parts 3.1.1, 3.2.3, 6.2.1.3, and 6.2.4.3. This exemption is conditioned on the following:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements as if you were in your first year of permit coverage, and the quarterly visual assessment requirements; and
- VIDPNR retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct quarterly visual assessments, routine facility inspections, and benchmark and impaired waters monitoring. You must still conduct an annual site inspection in accordance with Part 3.1. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

8.10.9 Effluent Limitations Based on Effluent Limitations Guidelines. (See also Part 6.2.2.1)

Table 8.10.2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.10.2		
Industrial Activity	Parameter	Effluent Limit¹
Mine dewatering discharges at crushed stone mining facilities (SIC 1422 - 1429)	pH	6.0 - 9.0
Mine dewatering discharges at construction sand and gravel mining facilities (SIC 1442)	pH	6.0 - 9.0
Mine dewatering discharges at industrial sand mining facilities (SIC 1446)	Total Suspended Solids (TSS)	25 mg/L, monthly avg. 45 mg/L, daily maximum
	pH	6.0 - 9.0

¹ Monitor annually.

8.10.10 Termination of Permit Coverage

- 8.10.10.1 ***Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.*** A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 8.10.3.5.
- 8.10.10.2 ***Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.*** A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) stormwater runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to stormwater discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

8.11 Sector K – Hazardous Waste Treatment, Storage, or Disposal Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.11.1 Covered Stormwater Discharges.

The requirements in Part 8.11 apply to stormwater discharges associated with industrial activity from Hazardous Waste Treatment, Storage, or Disposal facilities (TSDFs) as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector K.

8.11.2 Industrial Activities Covered by Sector K.

This permit authorizes stormwater discharges associated with industrial activity from facilities that treat, store, or dispose of hazardous wastes, including those that are operating under interim status or a permit under subtitle C of RCRA.

Disposal facilities that have been properly closed and capped, and have no significant materials exposed to stormwater, are considered inactive and do not require permits.

8.11.3 Limitations on Coverage.

8.11.3.1 ***Prohibition of Non-Stormwater Discharges.*** (See also Part 1.1.3) The following are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory-derived wastewater, and contact wash water from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility. (VIDPNR includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.1.3.)

8.11.4 Definitions.

8.11.4.1 ***Contaminated stormwater*** - stormwater that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 8.11.4.4. Some specific areas of a landfill that may produce contaminated stormwater include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

8.11.4.2 ***Drained free liquids*** - aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.

8.11.4.3 ***Landfill*** - an area of land or an excavation in which wastes are placed for permanent disposal, but that is not a land application or land treatment unit, surface impoundment, underground injection well, waste pile, salt dome formation, salt bed formation, underground mine, or cave as these terms are defined in 40 CFR 257.2, 258.2, and 260.10.

8.11.4.4 ***Landfill wastewater*** - as defined in 40 CFR Part 445 (Landfills Point Source Category), all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated stormwater, contaminated groundwater, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated stormwater, and contact wash water from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

8.11.4.5 ***Leachate*** - liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

8.11.4.6 *Non-contaminated stormwater* - stormwater that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 8.11.4.4. Non-contaminated stormwater includes stormwater that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

8.11.5 Sector-Specific Benchmarks (See also Part 6)

Table 8.11.1 identifies benchmarks that apply to the specific subsectors of Sector K. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.11.1		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector K1. ALL - Industrial Activity Code “HZ”. Benchmarks only applicable to discharges not subject to effluent limitations in 40 CFR Part 445 Subpart A (see below).	Ammonia	2.14 mg/L
	Total Magnesium	0.064 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L
	Total Arsenic (freshwater) Total Arsenic (saltwater) ¹	0.15 mg/L 0.069 mg/L
	Total Cadmium (freshwater) ² Total Cadmium (saltwater) ¹	Hardness Dependent 0.04 mg/L
	Total Cyanide (freshwater) Total Cyanide (saltwater) ¹	0.022 mg/L 0.001 mg/L
	Total Lead (freshwater) ² Total Lead (saltwater) ¹	Hardness Dependent 0.21 mg/L
	Total Mercury (freshwater) Total Mercury (saltwater) ¹	0.0014 mg/L 0.0018 mg/L
	Total Selenium (freshwater) Total Selenium (saltwater) ¹	0.005 mg/L 0.29 mg/L
	Total Silver (freshwater) ² Total Silver (saltwater) ¹	Hardness Dependent 0.0019 mg/L

¹Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

² The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix I, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 6.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Cadmium (mg/L)	Lead (mg/L)	Silver (mg/L)

0-24.99 mg/L	0.0005	0.014	0.0007
25-49.99 mg/L	0.0008	0.023	0.0007
50-74.99 mg/L	0.0013	0.045	0.0017
75-99.99 mg/L	0.0018	0.069	0.0030
100-124.99 mg/L	0.0023	0.095	0.0046
125-149.99 mg/L	0.0029	0.122	0.0065
150-174.99 mg/L	0.0034	0.151	0.0087
175-199.99 mg/L	0.0039	0.182	0.0112
200-224.99 mg/L	0.0045	0.213	0.0138
225-249.99 mg/L	0.0050	0.246	0.0168
250+ mg/L	0.0053	0.262	0.0183

8.11.6 Effluent Limitations Based on Effluent Limitations Guidelines (See also Part 6.2.2.1)

Table 8.11.2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Industrial Activity	Parameter	Effluent Limit
Discharges from hazardous waste landfills subject to effluent limitations in 40 CFR Part 445 Subpart A (see footnote).	Biochemical Oxygen Demand (BOD ₅)	220 mg/L, daily maximum
		56 mg/L, monthly avg. maximum
	Total Suspended Solids (TSS)	88 mg/L, daily maximum
		27 mg/L, monthly avg. maximum
	Ammonia	10 mg/L, daily maximum
		4.9 mg/L, monthly avg. maximum
	Alpha Terpineol	0.042 mg/L, daily maximum
		0.019 mg/L, monthly avg. maximum
	Aniline	0.024 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Benzoic Acid	0.119 mg/L, daily maximum
		0.073 mg/L, monthly avg. maximum
	Naphthalene	0.059 mg/L, daily maximum
		0.022 mg/L, monthly avg. maximum
	p-Cresol	0.024 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Phenol	0.048 mg/L, daily maximum
		0.029 mg/L, monthly avg. maximum
	Pyridine	0.072 mg/L, daily maximum
		0.025 mg/L, monthly avg. maximum
Total Arsenic	1.1 mg/L, daily maximum	
	0.54 mg/L, monthly avg. maximum	

	Total Chromium	1.1 mg/L, daily maximum
		0.46 mg/L, monthly avg. maximum
	Total Zinc	0.535 mg/L, daily maximum
		0.296 mg/L, monthly avg. maximum
pH	Within the range of 6-9 standard pH units (s.u.)	

¹ Monitor annually. As set forth at 40 CFR Part 445 Subpart A, these numeric limitations apply to contaminated stormwater discharges from hazardous waste landfills subject to the provisions of RCRA Subtitle C at 40 CFR Parts 264 (Subpart N) and 265 (Subpart N) except for any of the following facilities:

- (a) landfills operated in conjunction with other industrial or commercial operations when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;
- (b) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
- (c) landfills operated in conjunction with Centralized Waste Treatment (CWT) facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or
- (d) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

8.12 Sector L – Landfills, Land Application Sites, and Open Dumps.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.12.1 Covered Stormwater Discharges.

The requirements in Part 8.12 apply to stormwater discharges associated with industrial activity from Landfills and Land Application Sites and Open Dumps as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector L.

8.12.2 Industrial Activities Covered by Sector L.

This permit may authorize stormwater discharges for Sector L facilities associated with waste disposal at landfills, land application sites, and open dumps that receive or have received industrial waste, including sites subject to regulation under Subtitle D of RCRA. This permit does not cover discharges from landfills that receive only municipal wastes.

8.12.3 Limitations on Coverage.

- 8.12.3.1 ***Prohibition of Non-Stormwater Discharges.*** (See also Part 1.1.4) The following discharges are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory wastewater, and contact wash water from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility. (VIDPNR includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.1.3.)
- 8.12.3.2 ***Prohibition Stormwater Discharges from Open Dumps.*** Discharges from open dumps as defined under RCRA are also not authorized under this permit.

8.12.4 Definitions.

- 8.12.4.1 ***Contaminated stormwater*** - stormwater that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some areas of a landfill that may produce contaminated stormwater include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.
- 8.12.4.2 ***Drained free liquids*** - aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.
- 8.12.4.3 ***Landfill wastewater*** - as defined in 40 CFR Part 445 (Landfills Point Source Category) all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated stormwater, contaminated groundwater, and wastewater from recovery pumping wells. Landfill process wastewater includes, but is not limited to, leachate; gas collection condensate; drained free liquids; laboratory-derived wastewater; contaminated stormwater; and contact wash water from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.
- 8.12.4.4 ***Leachate*** - liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.
- 8.12.4.5 ***Non-contaminated stormwater*** - stormwater that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Non-contaminated stormwater includes stormwater that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

8.12.5 Additional Technology-Based Effluent Limits.

- 8.12.5.1 ***Preventive Maintenance Program.*** (See also Part 2.1.2.3) As part of your preventive maintenance program, maintain the following: all elements of leachate collection and treatment systems, to prevent commingling of leachate with stormwater; the integrity and effectiveness of any intermediate or final cover (including repairing the cover as necessary), to minimize the effects of settlement, sinking, and erosion.
- 8.12.5.2 ***Erosion and Sedimentation Control.*** (See also Part 2.1.2.5) Provide temporary stabilization (e.g., temporary seeding, mulching, and placing geotextiles on the inactive portions of stockpiles) for the following in order to minimize discharges of pollutants in stormwater: materials stockpiled for daily, intermediate, and final cover; inactive areas of the landfill or open dump; landfills or open dump areas that have gotten final covers but where vegetation has yet to establish itself; and land application sites where waste application has been completed but final vegetation has not yet been established.

8.12.6 Additional SWPPP Requirements.

- 8.12.6.1 ***Drainage Area Site Map.*** (See also Part 5.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: active and closed landfill cells or trenches, active and closed land application areas, locations where open dumping is occurring or has occurred, locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff, and leachate collection and handling systems.
- 8.12.6.2 ***Summary of Potential Pollutant Sources.*** (See also Part 5.2.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them: fertilizer, herbicide, and pesticide application; earth and soil moving; waste hauling and loading or unloading; outdoor storage of significant materials, including daily, interim, and final cover material stockpiles as well as temporary waste storage areas; exposure of active and inactive landfill and land application areas; uncontrolled leachate flows; and failure or leaks from leachate collection and treatment systems.

8.12.7 Additional Inspection Requirements. (See also Part 3)

- 8.12.7.1 ***Inspections of Active Sites.*** Except in arid and semi-arid climates, inspect operating landfills, open dumps, and land application sites at least once every 7 days. Focus on areas of landfills that have not yet been finally stabilized; active land application areas, areas used for storage of material and wastes that are exposed to precipitation, stabilization, and structural control measures; leachate collection and treatment systems; and locations where equipment and waste trucks enter and exit the site. Ensure that sediment and erosion control measures are operating properly. For stabilized sites and areas

where land application has been completed, or where the climate is arid or semi-arid, conduct inspections at least once every month.

8.12.7.2 **Inspections of Inactive Sites.** Inspect inactive landfills, open dumps, and land application sites at least quarterly. Qualified personnel must inspect landfill (or open dump) stabilization and structural erosion control measures, leachate collection and treatment systems, and all closed land application areas.

8.12.8 Additional Post-Authorization Documentation Requirements.

8.12.8.1 **Recordkeeping and Internal Reporting.** Keep records with your SWPPP of the types of wastes disposed of in each cell or trench of a landfill or open dump. For land application sites, track the types and quantities of wastes applied in specific areas.

8.12.9 Sector-Specific Benchmarks. (See also Part 6)

Table 8.12.1 identifies benchmarks that apply to the specific subsectors of Sector L. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.12.1		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration¹
Subsector L1. All Landfill, Land Application Sites and Open Dumps (Industrial Activity Code “LF”)	Total Suspended Solids (TSS)	100 mg/L
Subsector L2. All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60 (Industrial Activity Code “LF”)	Total Iron	1.0 mg/L

¹ Benchmark monitoring required only for discharges not subject to effluent limitations in 40 CFR Part 445 Subpart B (see Table 8.12.2 below).

8.12.10 Effluent Limitations Based on Effluent Limitations Guidelines (See also Part 6.2.2.1)

Table 8.12.2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.12.2¹		
Industrial Activity	Parameter	Effluent Limit
Discharges from non-	Biochemical Oxygen	140 mg/L, daily maximum

Table 8.12.2¹		
Industrial Activity	Parameter	Effluent Limit
hazardous waste landfills subject to effluent limitations in 40 CFR Part 445 Subpart B.	Demand (BOD ₅)	37 mg/L, monthly avg. maximum
	Total Suspended Solids (TSS)	88 mg/L, daily maximum
		27 mg/L, monthly avg. maximum
	Ammonia	10 mg/L, daily maximum
		4.9 mg/L, monthly avg. maximum
	Alpha Terpineol	0.033 mg/L, daily maximum
		0.016 mg/L, monthly avg. maximum
	Benzoic Acid	0.12 mg/L, daily maximum
		0.071 mg/L, monthly avg. maximum
	p-Cresol	0.025 mg/L, daily maximum
		0.014 mg/L, monthly avg. maximum
	Phenol	0.026 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Total Zinc	0.20 mg/L, daily maximum
		0.11 mg/L, monthly avg. maximum
pH	Within the range of 6-9 standard pH units (s.u.)	

¹ Monitor annually. As set forth at 40 CFR Part 445 Subpart A, these numeric limitations apply to contaminated stormwater discharges from MSWLFs that have not been closed in accordance with 40 CFR 258.60, and to contaminated stormwater discharges from those landfills that are subject to the provisions of 40 CFR Part 257 except for discharges from any of the following facilities:

- (a) landfills operated in conjunction with other industrial or commercial operations, when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;
- (b) landfills operated in conjunction with other industrial or commercial operations, when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation, or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
- (c) landfills operated in conjunction with CWT facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or
- (d) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

8.13 Sector M – Automobile Salvage Yards.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.13.1 Covered Stormwater Discharges.

The requirements in Part 8.13 apply to stormwater discharges associated with industrial activity from Automobile Salvage Yards as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector M.

8.13.2 Additional Technology-Based Effluent Limits.

- 8.13.2.1 ***Spill and Leak Prevention Procedures.*** (See also Part 2.1.2.4) Drain vehicles intended to be dismantled of all fluids upon arrival at the site (or as soon thereafter as practicable), or employ some other equivalent means to prevent spills and leaks.
- 8.13.2.2 ***Employee Training.*** (See also Part 2.1.2.8) If applicable to your facility, address the following areas (at a minimum) in your employee training program: proper handling (collection, storage, and disposal) of oil, used mineral spirits, anti-freeze, mercury switches, and solvents.
- 8.13.2.3 ***Management of Runoff.*** (See also Part 2.1.2.6) Implement control measures to minimize discharges of pollutants in runoff such as the following, where determined to be feasible (list not exclusive): berms or drainage ditches on the property line (to help prevent run-on from neighboring properties); berms for uncovered outdoor storage of oily parts, engine blocks, and above-ground liquid storage; installation of detention ponds; and installation of filtering devices and oil and water separators.

8.13.3 Additional SWPPP Requirements.

- 8.13.3.1 ***Drainage Area Site Map.*** (See also Part 5.2.2) Identify locations used for dismantling, storage, and maintenance of used motor vehicle parts. Also identify where any of the following may be exposed to precipitation or surface runoff: dismantling areas, parts (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers) storage areas, and liquid storage tanks and drums for fuel and other fluids.
- 8.13.3.2 ***Potential Pollutant Sources.*** (See also Part 5.2.3) Assess the potential for the following to contribute pollutants to stormwater discharges: vehicle storage areas, dismantling areas, parts storage areas (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers), and fueling stations.

- 8.13.4 Additional Inspection Requirements.** (See also Part 3.1) Immediately (or as soon thereafter as feasible) inspect vehicles arriving at the site for leaks. Inspect quarterly for signs of leakage all equipment containing oily parts, hydraulic fluids, any other types of fluids, or mercury switches. Also, inspect quarterly for signs of leakage all vessels and areas where hazardous materials and general automotive

fluids are stored, including, but not limited to, mercury switches, brake fluid, transmission fluid, radiator water, and antifreeze.

8.13.5 Sector-Specific Benchmarks. (See also Part 6)

Table 8.13.1 identifies benchmarks that apply to Sector M. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.13.1		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector M1. Automobile Salvage Yards (SIC 5015)	Total Suspended Solids (TSS)	100 mg/L
	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Lead (freshwater) ² Total Lead (saltwater) ¹	Hardness Dependent 0.21 mg/L

¹Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

² The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix I, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 6.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Lead (mg/L)
0-24.99 mg/L	0.014
25-49.99 mg/L	0.023
50-74.99 mg/L	0.045
75-99.99 mg/L	0.069
100-124.99 mg/L	0.095
125-149.99 mg/L	0.122
150-174.99 mg/L	0.151
175-199.99 mg/L	0.182
200-224.99 mg/L	0.213
225-249.99 mg/L	0.246
250+ mg/L	0.262

8.14 Sector N – Scrap Recycling and Waste Recycling Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.14.1 Covered Stormwater Discharges.

The requirements in Part 8.14 apply to stormwater discharges associated with industrial activity from Scrap Recycling and Waste Recycling facilities as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector N.

8.14.2 Limitation on Coverage.

Separate permit requirements have been established for recycling facilities that only receive process, and do wholesale distribution of only source-separated recyclable materials primarily from non-industrial and residential sources (i.e., common consumer products including paper, newspaper, glass, cardboard, plastic containers, and aluminum and tin cans). This includes recycling facilities commonly referred to as Material Recovery Facilities (MRFs). See Part 8.14.3.3.

8.14.2.1 ***Prohibition of Non-Stormwater Discharges.*** (See also Part 1.1.4) Non-stormwater discharges from turnings containment areas are not covered by this permit (see also Part 8.14.3.1.3). Discharges from containment areas in the absence of a storm event are prohibited unless covered by a separate TPDES permit. (VIDPNR includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.1.3.)

8.14.3 Additional Technology-Based Effluent Limits.

8.14.3.1 ***Scrap and Waste Recycling Facilities (Non-Source Separated, Non-liquid Recyclable Materials).*** Requirements for facilities that receive, process, and do wholesale distribution of non-sourced separated, non-liquid recyclable wastes (e.g., ferrous and nonferrous metals, plastics, glass, cardboard, and paper). These facilities may receive both non-recyclable and recyclable materials. This section is not intended for those facilities that accept recyclables only from primarily non-industrial and residential sources.

8.14.3.1.1 *Inbound Recyclable and Waste Material Control Program.* Minimize the chance of accepting materials that could be significant sources of pollutants by conducting inspections of inbound recyclables and waste materials and through implementation of control measures such as the following, where determined to be feasible (list not exclusive): (a) providing information and education to suppliers of scrap and recyclable waste materials on draining and properly disposing of residual fluids (e.g., from vehicles and equipment engines, radiators and transmissions, oil filled transformers, and individual containers or drums) and removal of mercury switches from vehicles before delivery to your facility; (b) establishing procedures to minimize the potential of any residual fluids from coming into contact with precipitation or runoff; (c)

establishing procedures for accepting scrap lead-acid batteries (additional requirements for the handling, storage, and disposal or recycling of batteries are contained in the scrap lead-acid battery program provisions in Part 8.14.3.1.6); (d) providing training targeted for those personnel engaged in the inspection and acceptance of inbound recyclable materials; and (e) establishing procedures to ensure that liquid wastes, including used oil, are stored in materially compatible and non-leaking containers and are disposed of or recycled in accordance with the Resource Conservation and Recovery Act (RCRA).

- 8.14.3.1.2** *Scrap and Waste Material Stockpiles and Storage (Outdoor)*. Minimize contact of stormwater runoff with stockpiled materials, processed materials, and non-recyclable wastes through implementation of control measures such as the following, where determined to be feasible (list not exclusive): (a) permanent or semi-permanent covers; (b) sediment traps, vegetated swales and strips, catch basin filters, and sand filters to facilitate settling or filtering of pollutants; (c) dikes, berms, containment trenches, culverts, and surface grading to divert runoff from storage areas; (d) silt fencing; and (e) oil and water separators, sumps, and dry absorbents for areas where potential sources of residual fluids are stockpiled (e.g., automobile engine storage areas).
- 8.14.3.1.3** *Stockpiling of Turnings Exposed to Cutting Fluids (Outdoor Storage)*. Minimize contact of surface runoff with residual cutting fluids by: (a) storing all turnings exposed to cutting fluids under some form of permanent or semi-permanent cover, or (b) establishing dedicated containment areas for all turnings that have been exposed to cutting fluids. Any containment areas must be constructed of concrete, asphalt, or other equivalent types of impermeable material and include a barrier (e.g., berms, curbing, elevated pads) to prevent contact with stormwater run-on. Stormwater runoff from these areas can be discharged, provided that any runoff is first collected and treated by an oil and water separator or its equivalent. You must regularly maintain the oil and water separator (or its equivalent) and properly dispose of or recycle collected residual fluids.
- 8.14.3.1.4** *Scrap and Waste Material Stockpiles and Storage (Covered or Indoor Storage)*. Minimize contact of residual liquids and particulate matter from materials stored indoors or under cover with surface runoff through implementation of control measures such as the following, where determined to be feasible (list not exclusive): (a) good housekeeping measures, including the use of dry absorbents or wet vacuuming to contain, dispose of, or recycle residual liquids originating from recyclable containers, and mercury spill kits for

spills from storage of mercury switches; (b) not allowing wash water from tipping floors or other processing areas to discharge to the storm sewer system; and (c) disconnecting or sealing off all floor drains connected to the storm sewer system.

8.14.3.1.5 *Scrap and Recyclable Waste Processing Areas.* Minimize surface runoff from coming in contact with scrap processing equipment. Pay attention to operations that generate visible amounts of particulate residue (e.g., shredding) to minimize the contact of accumulated particulate matter and residual fluids with runoff (i.e., through good housekeeping, preventive maintenance, etc.). To minimize discharges of pollutants in stormwater from scrap and recyclable waste processing areas, implement control measures such as the following, where determined to be feasible (list not exclusive): (a) at least once per month inspecting equipment for spills or leaks and malfunctioning, worn, or corroded parts or equipment; (b) establishing a preventive maintenance program for processing equipment; (c) using dry-absorbents or other cleanup practices to collect and dispose of or recycle spilled or leaking fluids or use mercury spill kits for spills from storage of mercury switches; (d) on unattended hydraulic reservoirs over 150 gallons in capacity, installing protection devices such as low-level alarms or equivalent devices, or secondary containment that can hold the entire volume of the reservoir; (e) implementing containment or diversion structures such as dikes, berms, culverts, trenches, elevated concrete pads, and grading to minimize contact of stormwater runoff with outdoor processing equipment or stored materials; (f) using oil and water separators or sumps; (g) installing permanent or semi-permanent covers in processing areas where there are residual fluids and grease; (h) installing retention or detention ponds or basins; sediment traps, and vegetated swales or strips; (i) installing catch basin filters or sand filters (for pollutant settling and filtration).

8.14.3.1.6 *Scrap Lead-Acid Battery Program.* To minimize the discharge of pollutants in stormwater from lead-acid batteries, properly handle, store, and dispose of scrap lead-acid batteries, and implement control measures such as the following, where determined to be feasible (list not exclusive) (a) segregating scrap lead-acid batteries from other scrap materials; (b) properly handling, storing, and disposing of cracked or broken batteries; (c) collecting and disposing of leaking lead-acid battery fluid; (d) minimizing or eliminating (if possible) exposure of scrap lead-acid batteries to precipitation or runoff; and (e) providing employee training for the management of scrap batteries.

8.14.3.1.7 *Spill Prevention and Response Procedures.* (See also Part 2.1.2.4) Install alarms and/or pump shutoff systems on outdoor equipment

with hydraulic reservoirs exceeding 150 gallons in the event of a line break. Alternatively, a secondary containment system capable of holding the entire contents of the reservoir plus room for precipitation can be used. Use a mercury spill kit for any release of mercury from switches, anti-lock brake systems, and switch storage areas.

8.14.3.1.8 *Supplier Notification Program.* As appropriate, notify major suppliers which scrap materials will not be accepted at the facility or will be accepted only under certain conditions.

8.14.3.2 *Waste Recycling Facilities (Liquid Recyclable Materials).*

8.14.3.2.1 *Waste Material Storage (Indoor).* Minimize or eliminate contact between residual liquids from waste materials stored indoors and from surface runoff. The plan may refer to applicable portions of other existing plans, such as Spill Prevention, Control, and Countermeasure (SPCC) plans required under 40 CFR Part 112. Following are some control measure options (a) procedures for material handling (including labeling and marking); (b) clean up spills and leaks with dry absorbent materials, and/or a wet vacuum system; (c) appropriate containment structures (trenching, curbing, gutters, etc.); and (d) a drainage system, including appurtenances (e.g., pumps or ejectors, manually operated valves), to handle discharges from diked or bermed areas. Drainage should be discharged to an appropriate treatment facility or sanitary sewer system, or otherwise disposed of properly. These discharges may require coverage under a separate TPDES wastewater permit or industrial user permit under the pretreatment program.

8.14.3.2.2 *Waste Material Storage (Outdoor).* Minimize contact between stored residual liquids and precipitation or runoff. The plan may refer to applicable portions of other existing plans, such as SPCC plans required under 40 CFR Part 112. Discharges of precipitation from containment areas containing used oil must also be in accordance with applicable sections of 40 CFR Part 112. To minimize discharges of pollutants in stormwater from outdoor waste material storage areas, implement control measures such as the following, where determined to be feasible (list not exclusive): (a) appropriate containment structures (e.g., dikes, berms, curbing, pits) to store the volume of the largest tank, with sufficient extra capacity for precipitation; (b) drainage control and other diversionary structures; (c) corrosion protection and/or leak detection systems for storage tanks; and (d) dry-absorbent materials or a wet vacuum system to collect spills.

8.14.3.2.3 *Trucks and Rail Car Waste Transfer Areas.* Minimize pollutants in discharges from truck and rail car loading and unloading areas. Include measures to clean up minor spills and leaks resulting from the transfer of liquid wastes. To minimize discharges of pollutants in stormwater from truck and rail car waste transfer areas, implement control measures such as the following, where determined to be feasible (list not exclusive): (a) containment and diversionary structures to minimize contact with precipitation or runoff, and (b) dry clean-up methods, wet vacuuming, roof coverings, and/or runoff controls.

8.14.3.3 ***Recycling Facilities (Source-Separated Materials).*** The following identifies considerations for facilities that receive only source-separated recyclables, primarily from non-industrial and residential sources.

8.14.3.3.1 *Inbound Recyclable Material Control.* Minimize the chance of accepting non-recyclables (e.g., hazardous materials) that could be a significant source of pollutants by conducting inspections of inbound materials. Following are some control measure options: (a) providing information and education measures to inform suppliers of recyclables about acceptable and non-acceptable materials, (b) training drivers responsible for pickup of recycled material, (c) clearly marking public drop-off containers regarding which materials can be accepted, (d) rejecting non-recyclable wastes or household hazardous wastes at the source, and (e) establishing procedures for handling and disposal of non-recyclable material.

8.14.3.3.2 *Outdoor Storage.* Minimize exposure of recyclables to precipitation and runoff by using good housekeeping measures to prevent accumulation of particulate matter and fluids, particularly in high traffic areas and through implementation of control measure such as the following, where determined to be feasible (list not exclusive): (a) providing totally enclosed drop-off containers for the public; (b) installing a sump and pump with each container pit and treat or discharge collected fluids to a sanitary sewer system; (c) providing dikes and curbs for secondary containment (e.g., around bales of recyclable waste paper); (d) diverting surface water runoff away from outside material storage areas; (e) providing covers over containment bins, dumpsters, and roll-off boxes; and (f) storing the equivalent of one day's volume of recyclable material indoors.

8.14.3.3.3 *Indoor Storage and Material Processing.* Minimize the release of pollutants from indoor storage and processing areas and processing areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): (a) scheduling routine good housekeeping measures for all storage and

processing areas, (b) prohibiting tipping floor wash water from draining to the storm sewer system, and (c) providing employee training on pollution prevention practices.

- 8.14.3.3.4** *Vehicle and Equipment Maintenance.* Minimize the discharge of pollutants in stormwater from areas where vehicle and equipment maintenance occur outdoors through implementation of control measures such as the following, where determined to be feasible (list not exclusive): (a) prohibiting vehicle and equipment wash water from discharging to the storm sewer system, (b) minimizing or eliminate outdoor maintenance areas whenever possible, (c) establishing spill prevention and clean-up procedures in fueling areas, (d) avoiding topping off fuel tanks, (e) diverting runoff from fueling areas, (f) storing lubricants and hydraulic fluids indoors, and (g) providing employee training on proper handling and storage of hydraulic fluids and lubricants.

8.14.4 Additional SWPPP Requirements.

- 8.14.4.1 *Drainage Area Site Map.* (See also Part 5.2.2) Document in your SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: scrap and waste material storage, outdoor scrap and waste processing equipment; and containment areas for turnings exposed to cutting fluids.
- 8.14.4.2 *Maintenance Schedules/Procedures for Collection, Handling, and Disposal or Recycling of Residual Fluids at Scrap and Waste Recycling Facilities.* If you are subject to Part 8.14.3.1.3, your SWPPP must identify any applicable maintenance schedule and the procedures to collect, handle, and dispose of or recycle residual fluids.

8.14.5 Additional Inspection Requirements.

- 8.14.5.1 *Inspections for Waste Recycling Facilities.* The inspections must be performed quarterly, pursuant to Part 3.1, and include, at a minimum, all areas where waste is generated, received, stored, treated, or disposed of and that are exposed to either precipitation or stormwater runoff.

8.14.6 Sector-Specific Benchmarks. (See also Part 6)

Table 8.14.1 identifies benchmarks that apply to Sector N. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.14.1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector N1. Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling primarily from Non-Industrial and Residential Sources (SIC 5093)	Chemical Oxygen Demand (COD)	120 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Recoverable Aluminum	0.75 mg/L
	Total Copper (freshwater) ² Total Copper (saltwater) ¹	Hardness Dependent 0.0048 mg/L
	Total Recoverable Iron	1.0 mg/L
	Total Lead (freshwater) ² Total Lead (saltwater) ¹	Hardness Dependent 0.21 mg/L
	Total Zinc (freshwater) ² Total Zinc (saltwater) ¹	Hardness Dependent 0.09 mg/L

¹ Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

²The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix I, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 6.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Copper (mg/L)	Lead (mg/L)	Zinc (mg/L)
0-24.99 mg/L	0.0038	0.014	0.04
25-49.99 mg/L	0.0056	0.023	0.05
50-74.99 mg/L	0.0090	0.045	0.08
75-99.99 mg/L	0.0123	0.069	0.11
100-124.99 mg/L	0.0156	0.095	0.13
125-149.99 mg/L	0.0189	0.122	0.16
150-174.99 mg/L	0.0221	0.151	0.18
175-199.99 mg/L	0.0253	0.182	0.20
200-224.99 mg/L	0.0285	0.213	0.23
225-249.99 mg/L	0.0316	0.246	0.25
250+ mg/L	0.0332	0.262	0.26

8.15 Sector O – Steam Electric Generating Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-

specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.15.1 Covered Stormwater Discharges.

The requirements in Part 8.15 apply to stormwater discharges associated with industrial activity from Steam Electric Power Generating Facilities as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector O.

8.15.2 Industrial Activities Covered by Sector O.

This permit authorizes stormwater discharges from the following industrial activities at Sector O facilities:

- 8.15.2.1 *steam electric power generation using coal, natural gas, oil, nuclear energy, etc., to produce a steam source, including coal handling areas (does not include geothermal power);*
- 8.15.2.2 *coal pile runoff, including effluent limitations established by 40 CFR Part 423; and*
- 8.15.2.3 *dual fuel facilities that could employ a steam boiler.*

8.15.3 Limitations on Coverage.

- 8.15.3.1 ***Prohibition of Non-Stormwater Discharges.*** Non-stormwater discharges subject to effluent limitations guidelines are not covered by this permit. (VIDPNR includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.1.3.)
- 8.15.3.2 ***Prohibition of Stormwater Discharges.*** Stormwater discharges from the following are not covered by this permit:
 - 8.15.3.2.1 *ancillary facilities* (e.g., fleet centers and substations) that are not contiguous to a steam electric power generating facility;
 - 8.15.3.2.2 *gas turbine facilities* (providing the facility is not a dual-fuel facility that includes a steam boiler), and combined-cycle facilities where no supplemental fuel oil is burned (and the facility is not a dual-fuel facility that includes a steam boiler); and ;
 - 8.15.3.2.3 *cogeneration* (combined heat and power) facilities utilizing a gas turbine.

8.15.4 Additional Technology-Based Effluent Limits.

The following good housekeeping measures are required in addition to Part 2.1.2.2:

- 8.15.4.1 ***Fugitive Dust Emissions.*** Minimize fugitive dust emissions from coal handling areas to minimize the tracking of coal dust offsite that could be discharged in stormwater through implementation of control measures such as the following, where determined to be feasible, (list not exclusive): installing specially designed tires; and washing vehicles in a designated area before they leave the site and controlling the wash water.
- 8.15.4.2 ***Delivery Vehicles.*** Minimize contamination of stormwater runoff from delivery vehicles arriving at the plant site. Implement procedures to inspect delivery vehicles arriving at the plant site as necessary to minimize discharges of pollutants in stormwater. Ensure overall integrity of the body or container of the delivery vehicle and implement procedures to deal with leakage or spillage from vehicles or containers.
- 8.15.4.3 ***Fuel Oil Unloading Areas.*** Minimize contamination of precipitation or surface runoff from fuel oil unloading areas. Use containment curbs in unloading areas where feasible. In addition, ensure personnel familiar with spill prevention and response procedures are available to respond expeditiously in the event of a leak or spill during deliveries. Ensure that any leaks or spills are immediately contained and cleaned up, and using spill and overflow protection devices (e.g., drip pans, drip diapers, or other containment devices placed beneath fuel oil connectors to contain potential spillage during deliveries or from leaks at the connectors).
- 8.15.4.4 ***Chemical Loading and Unloading.*** Minimize contamination of precipitation or surface runoff from chemical loading and unloading areas. Use containment curbs at chemical loading and unloading areas to contain spills, where practicable. In addition, ensure personnel familiar with spill prevention and response procedures are available to respond expeditiously in the event of a leak or spill during deliveries. Ensure that any leaks and/or spills are immediately contained and cleaned up and, where practicable, load and unload in covered areas and store chemicals indoors.
- 8.15.4.5 ***Miscellaneous Loading and Unloading Areas.*** Minimize contamination of precipitation or surface runoff from loading and unloading areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering the loading area; grading, berming, or curbing around the loading area to divert run-on; locating the loading and unloading equipment and vehicles so that leaks are contained in existing containment and flow diversion systems; or equivalent procedures.
- 8.15.4.6 ***Liquid Storage Tanks.*** Minimize contamination of surface runoff from above-ground liquid storage tanks through implementation of control measures such as the following, where determined to be feasible, the following (list not

exclusive): using protective guards around tanks, containment curbs, spill and overflow protection, dry cleanup methods, or equivalent measures.

- 8.15.4.7 ***Large Bulk Fuel Storage Tanks.*** Minimize contamination of surface runoff from large bulk fuel storage tanks. Use containment berms (or their equivalent). You must also comply with applicable Territorial and Federal laws, including Spill Prevention, Control and Countermeasure (SPCC) Plan requirements.
- 8.15.4.8 ***Spill Reduction Measures.*** Minimize the potential for an oil or chemical spill, or reference the appropriate part of your SPCC plan. Visually inspect as part of your routine facility inspection the structural integrity of all above-ground tanks, pipelines, pumps, and related equipment that may be exposed to stormwater, and make any necessary repairs immediately.
- 8.15.4.9 ***Oil-Bearing Equipment in Switchyards.*** Minimize contamination of surface runoff from oil-bearing equipment in switchyard areas. Use level grades and gravel surfaces to retard flows and limit the spread of spills, or collecting runoff in perimeter ditches.
- 8.15.4.10 ***Residue-Hauling Vehicles.*** Inspect all residue-hauling vehicles for proper covering over the load, adequate gate sealing, and overall integrity of the container body. Repair vehicles without load covering or adequate gate sealing, or with leaking containers or beds.
- 8.15.4.11 ***Ash Loading Areas.*** Reduce or control the tracking of ash and residue from ash loading areas. Clear the ash building floor and immediately adjacent roadways of spillage, debris, and excess water before departure of each loaded vehicle as necessary to minimize discharges of pollutants in stormwater.
- 8.15.4.12 ***Areas Adjacent to Disposal Ponds or Landfills.*** Minimize contamination of surface runoff from areas adjacent to disposal ponds or landfills. Reduce ash residue that may be tracked on to access roads traveled by residue handling vehicles, and reduce ash residue on exit roads leading into and out of residue handling areas.
- 8.15.4.13 ***Landfills, Scrap yards, Surface Impoundments, Open Dumps, General Refuse Sites.*** Minimize the potential for contamination of runoff from these areas.

8.15.5 Additional SWPPP Requirements.

- 8.15.5.1 ***Drainage Area Site Map.*** (See also Part 5.2.2) Document in your SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: storage tanks, scrap yards, and general refuse areas; short- and long-term storage of general materials (including but not

limited to supplies, construction materials, paint equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizer, and pesticides); landfills and construction sites; and stock pile areas (e.g., coal or limestone piles).

8.15.5.2 **Documentation of Good Housekeeping Measures.** You must document in your SWPPP the good housekeeping measures implemented to meet the effluent limits in Part 8.15.4.

8.15.6 Additional Inspection Requirements.

As part of your inspection, inspect the following areas monthly: coal handling areas, loading or unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, areas adjacent to disposal ponds and landfills, maintenance areas, liquid storage tanks, and long term and short term material storage areas.

8.15.7 Sector-Specific Benchmarks

Table 8.15.1 identifies benchmarks that apply to the specific subsectors of Sector 15. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.15.1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector O1. Steam Electric Generating Facilities (Industrial Activity Code “SE”)	Total Iron	1.0 mg/L

8.15.8 Effluent Limitations Based on Effluent Limitations Guidelines (See also Part 6.2.2.1)

Table 8.15.2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.15.2¹		
Industrial Activity	Parameter	Effluent Limit
Discharges from coal storage piles at Steam Electric Generating Facilities	TSS	50 mg/l ²
	pH	6.0 min - 9.0 max

¹Monitor annually.

²If your facility is designed, constructed, and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event, any untreated overflow of coal pile runoff from the treatment unit is not subject to the 50 mg/L limitation for total suspended solids.

8.16 Sector P – Land Transportation and Warehousing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.16.1 Covered Stormwater Discharges.

The requirements in Part 8.16 apply to stormwater discharges associated with industrial activity from Land Transportation and Warehousing facilities as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector P.

8.16.2 Limitation on Coverage

8.16.2.1 ***Prohibited Discharges*** (see also Parts 1.1.4 and 8.16.3.4) This permit does not authorize the discharge of vehicle/equipment/surface wash water, including tank cleaning operations. Such discharges must be authorized under a separate TPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or recycled on-site.

8.16.3 Additional Technology-Based Effluent Limits.

8.16.3.1 ***Good Housekeeping Measures.*** (See also Part 2.1.2.2) In addition to the Good Housekeeping requirements in Part 2.1.2.2, you must do the following. Recommended control measures are discussed as indicated:

8.16.3.1.1 *Vehicle and Equipment Storage Areas.* Minimize the potential for stormwater exposure to leaky or leak-prone vehicles/equipment awaiting maintenance through implementation of control measures such as the following, where determined to be feasible (list not exclusive): use of drip pans under vehicles/equipment, indoor storage of vehicles and equipment, installation of berms or dikes, use of absorbents, roofing or covering storage areas, and cleaning pavement surfaces to remove oil and grease.

8.16.3.1.2 *Fueling Areas.* Minimize contamination of stormwater runoff from fueling areas through implementation of control measures such as the following, where determined to be feasible: Covering the fueling area; using spill/overflow protection and cleanup equipment; minimizing stormwater run-on/runoff to the fueling area; using dry cleanup methods; and treating and/or recycling collected stormwater runoff.

- 8.16.3.1.3** *Material Storage Areas.* Maintain all material storage vessels (e.g., for used oil/oil filters, spent solvents, paint wastes, hydraulic fluids) to prevent contamination of stormwater and plainly label them (e.g., “Used Oil,” “Spent Solvents,” etc.). To minimize discharges of pollutants in stormwater from material storage areas, implement control measures such as the following, where determined to be feasible (list not exclusive): storing the materials indoors; installing berms/dikes around the areas; minimizing runoff of stormwater to the areas; using dry cleanup methods; and treating and/or recycling collected stormwater runoff.
- 8.16.3.1.4** *Vehicle and Equipment Cleaning Areas.* Minimize contamination of stormwater runoff from all areas used for vehicle/equipment cleaning through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing all cleaning operations indoors; covering the cleaning operation, ensuring that all wash water drains to a proper collection system (i.e., not the stormwater drainage system); treating and/or recycling collected wash water, or other equivalent measures. Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit for this sector.
- 8.16.3.1.5** *Vehicle and Equipment Maintenance Areas.* Minimize contamination of stormwater runoff from all areas used for vehicle/equipment maintenance through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing maintenance activities indoors; using drip pans; keeping an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting wet clean up practices if these practices would result in the discharge of pollutants to stormwater drainage systems; using dry cleanup methods; treating and/or recycling collected stormwater runoff, minimizing run on/runoff of stormwater to maintenance areas.
- 8.16.3.1.6** *Locomotive Sanding (Loading Sand for Traction) Areas.* Minimize discharges of pollutants in stormwater from locomotive sanding areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering sanding areas; minimizing stormwater run on/runoff; or appropriate sediment removal practices to minimize the offsite transport of sanding material by stormwater.
- 8.16.3.2** *Employee Training.* (See also Part 2.1.2.8) Train personnel at least once a year and address the following activities, as applicable: used oil and spent solvent management; fueling procedures; general good housekeeping practices; proper painting procedures; and used battery management.

8.16.4 Additional SWPPP Requirements.

- 8.16.4.1 ***Drainage Area Site Map.*** (See also Part 5.2.2) Identify in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: Fueling stations; vehicle/equipment maintenance or cleaning areas; storage areas for vehicle/equipment with actual or potential fluid leaks; loading/unloading areas; areas where treatment, storage or disposal of wastes occur; liquid storage tanks; processing areas; and storage areas.
- 8.16.4.2 ***Potential Pollutant Sources.*** (See also Part 5.2.3) Assess the potential for the following activities and facility areas to contribute pollutants to stormwater discharges: Onsite waste storage or disposal; dirt/gravel parking areas for vehicles awaiting maintenance; illicit plumbing connections between shop floor drains and the stormwater conveyance system(s); and fueling areas. Describe these activities in the SWPPP.
- 8.16.4.3 ***Description of Good Housekeeping Measures.*** You must document in your SWPPP the good housekeeping measures you implement consistent with Part 8.16.3.
- 8.16.4.4 ***Vehicle and Equipment Wash Water Requirements.*** If wash water is handled in a manner that does not involve separate TPDES permitting (e.g., hauled offsite), describe the disposal method and include all pertinent information (e.g., frequency, volume, destination, etc.) in your SWPPP. Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit for this sector.

8.16.5 Additional Inspection Requirements. (See also Part 3.1) Inspect all the following areas/activities: storage areas for vehicles/equipment awaiting maintenance, fueling areas, indoor and outdoor vehicle/equipment maintenance areas, material storage areas, vehicle/equipment cleaning areas and loading/unloading areas.

8.17 Sector Q – Water Transportation.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.17.1 Covered Stormwater Discharges.

The requirements in Part 8.17 apply to stormwater discharges associated with industrial activity from Water Transportation facilities as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector Q.

8.17.2 Limitations on Coverage.

- 8.17.2.1 ***Prohibition of Non-Stormwater Discharges.*** (See also Part 1.1.4) Not covered by this permit: discharges from vessels including bilge and ballast water, sanitary wastes, pressure wash water, and cooling water. Any discharge of pollutants from a point source to a water of the U.S. requires coverage under a TPDES permit. (VIDPNR includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.1.3.)

8.17.3 Additional Technology-Based Effluent Limits.

- 8.17.3.1 ***Good Housekeeping Measures.*** You must implement the following good housekeeping measures in addition to the requirements of part 2.1.2.2:

8.17.3.1.1 *Pressure Washing Area.* If pressure washing is used to remove marine growth from vessels, the discharge water must be permitted by a separate TPDES permit. Collect or contain the discharges from the pressure washing area so that they are not co-mingled with stormwater discharges authorized by this permit.

8.17.3.1.2 *Blasting and Painting Area.* Minimize the potential for spent abrasives, paint chips, and overspray to discharge into receiving waters or the storm sewer systems. Contain all blasting and painting activities or use other measures to minimize the discharge of contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary or at least once a month, regularly clean stormwater conveyances of deposits of abrasive blasting debris and paint chips.

8.17.3.1.3 *Material Storage Areas.* Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. Specify which materials are stored indoors, and contain or enclose those stored outdoors. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite.

8.17.3.1.4 *Engine Maintenance and Repair Areas.* Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair through implementation of control measures

such as the following, where determined to be feasible (list not exclusive): performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluid prior to disposal, prohibiting the practice of hosing down the shop floor, using dry cleanup methods, and treating and/or recycling stormwater runoff collected from the maintenance area.

8.17.3.1.5 *Material Handling Area.* Minimize the contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels) through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering fueling areas, using spill and overflow protection, mixing paints and solvents in a designated area (preferably indoors or under a shed), and minimizing runoff of stormwater to material handling areas.

8.17.3.1.6 *Drydock Activities.* Routinely maintain and clean the drydock to minimize pollutants in stormwater runoff. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock. To minimize discharges of pollutants in stormwater from drydock activities, implement control measures such as the following, where determined to be feasible (list not exclusive): sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding and making absorbent materials and oil containment booms readily available to clean up or contain any spills.

8.17.3.2 ***Employee Training.*** (See also Part 2.1.2.8) As part of your employee training program, address, at a minimum, the following activities (as applicable): used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.

8.17.3.3 ***Preventive Maintenance.*** (See also Part 2.1.2.3) As part of your preventive maintenance program, perform timely inspection and maintenance of stormwater management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

8.17.4 Additional SWPPP Requirements.

8.17.4.1 *Drainage Area Site Map.* (See also Part 5.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

8.17.4.2 *Summary of Potential Pollutant Sources.* (See also Part 5.2.3) Document in the SWPPP the following additional sources and activities that have potential pollutants associated with them: outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting.)

8.17.5 Additional Inspection Requirements. (See also Part 3.1)

Include the following in all quarterly routine facility inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

8.17.6 Sector-Specific Benchmarks. (See also Part 6)

Table 8.17.1 identifies benchmarks that apply to Sector Q. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.17.1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector Q1. Water Transportation Facilities (SIC 4412-4499)	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Lead (freshwater) ² Total Lead (saltwater) ¹	Hardness Dependent 0.21 mg/L
	Total Zinc (freshwater) ² Total Zinc (saltwater) ¹	Hardness Dependent 0.09 mg/L

¹ Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

² The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix I, “Calculating Hardness in Receiving Waters for

Hardness Dependent Metals,” for methodology), in accordance with Part 6.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Lead (mg/L)	Zinc (mg/L)
0-24.99 mg/L	0.014	0.04
25-49.99 mg/L	0.023	0.05
50-74.99 mg/L	0.045	0.08
75-99.99 mg/L	0.069	0.11
100-124.99 mg/L	0.095	0.13
125-149.99 mg/L	0.122	0.16
150-174.99 mg/L	0.151	0.18
175-199.99 mg/L	0.182	0.20
200-224.99 mg/L	0.213	0.23
225-249.99 mg/L	0.246	0.25
250+ mg/L	0.262	0.26

8.18 Sector R – Ship and Boat Building and Repair Yards.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.18.1 Covered Stormwater Discharges.

The requirements in Part 8.18 apply to stormwater discharges associated with industrial activity from Ship and Boat Building and Repair Yards as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector R.

8.18.2 Limitations on Coverage.

8.18.2.1 ***Prohibition of Non-Stormwater Discharges.*** (See also Part 1.1.4) Not covered by this permit: discharges from vessels including bilge and ballast water, sanitary wastes, pressure wash water, and cooling water. (VIDPNR includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.1.3.)

8.18.3 Additional Technology-Based Effluent Limits.

8.18.3.1 ***Good Housekeeping Measures.*** (See also Part 2.1.2.2)

- 8.18.3.1.1** *Pressure Washing Area.* If pressure washing is used to remove marine growth from vessels, the discharged water must be permitted as a process wastewater by a separate TPDES permit.
- 8.18.3.1.2** *Blasting and Painting Area.* Minimize the potential for spent abrasives, paint chips, and overspray to discharging into the receiving water or the storm sewer systems. Contain all blasting and painting activities, or use other measures to prevent the discharge of the contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean stormwater conveyances of deposits of abrasive blasting debris and paint chips.
- 8.18.3.1.3** *Material Storage Areas.* Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite.
- 8.18.3.1.4** *Engine Maintenance and Repair Areas.* Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluid prior to disposal, prohibiting the practice of hosing down the shop floor, using dry cleanup methods, and treating and/or recycling stormwater runoff collected from the maintenance area.
- 8.18.3.1.5** *Material Handling Area.* Minimize the contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels) through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering fueling areas, using spill and overflow protection, mixing paints and solvents in a designated area (preferably indoors or under a shed), and minimizing stormwater run-on to material handling areas.
- 8.18.3.1.6** *Drydock Activities.* Routinely maintain and clean the drydock to minimize pollutants in stormwater runoff. Clean accessible areas of the drydock prior to flooding and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, or fuel spills occurring on the drydock. To minimize

discharges of pollutants in stormwater from drydock activities, implement control measures such as the following, where determined to be feasible (list not exclusive): sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding, and having absorbent materials and oil containment booms readily available to clean up and contain any spills.

- 8.18.3.2 **Employee Training.** (See also Part 2.1.2.8) As part of your employee training program, address, at a minimum, the following activities (as applicable): used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.
- 8.18.3.3 **Preventive Maintenance.** (See also Part 2.1.2.3) As part of your preventive maintenance program, perform timely inspection and maintenance of stormwater management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

8.18.4 Additional SWPPP Requirements.

- 8.18.4.1 **Drainage Area Site Map.** (See also Part 5.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance or repair; vessel maintenance or repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; treatment, storage, and waste disposal areas; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).
- 8.18.4.2 **Potential Pollutant Sources.** (See also Part 5.2.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them (if applicable): outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting).
- 8.18.4.3 **Documentation of Good Housekeeping Measures.** Document in your SWPPP any good housekeeping measures implemented to meet the effluent limits in Part 8.18.3.
- 8.18.4.3.1 Blasting and Painting Areas.** Document in the SWPPP any standard operating practices relating to blasting and painting (e.g., prohibiting

uncontained blasting and painting over open water or prohibiting blasting and painting during windy conditions, which can render containment ineffective).

8.18.4.3.2 Storage Areas. Specify in your SWPPP which materials are stored indoors, and contain and/or enclose or use other measures for those stored outdoors.

8.18.5 Additional Inspection Requirements. (See also Part 3.1)

Include the following in all quarterly routine facility inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

8.19 Sector S – Air Transportation.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.19.1 Covered Stormwater Discharges.

The requirements in Part 8.19 apply to stormwater discharges associated with industrial activity from Air Transportation facilities as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector S.

8.19.2 Limitation on Coverage

8.19.2.1 **Limitations on Coverage.** This permit authorizes stormwater discharges from only those portions of the air transportation facility that are involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication) or equipment cleaning operations.

8.19.2.2 **Prohibition of Non-Stormwater Discharges.** (See also Part 1.1.4 and Part 8.19.5.3) This permit does not authorize the discharge of aircraft, ground vehicle, runway and equipment wash waters. Such discharges must be covered by separate TPDES permit(s). Note that a discharge resulting from snowmelt is not a dry weather discharge. (VIDPNR includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.1.3.)

8.19.3 Multiple Operators at Air Transportation Facilities.

Air transportation facilities often have more than one operator who could discharge stormwater associated with industrial activity. Operators include the airport authority and airport tenants, including air passenger or cargo companies, fixed based operators, and other parties who routinely perform industrial activities on airport property.

8.19.3.1 **Permit Coverage/Submittal of NOIs.** Where an airport transportation facility has multiple industrial operators that discharge stormwater, each individual operator must obtain coverage under a TPDES stormwater permit. To obtain coverage under the VI MSGP, all such operators must meet the eligibility requirements in Part 1 and must submit an NOI, per Part 1.2.1.1 (or, if appropriate, a no exposure certification per Part 1.4).

8.19.3.2 **VI MSGP Implementation Responsibilities for Airport Authority and Tenants.** The airport authority, in collaboration with its tenants, may choose to implement certain VI MSGP requirements on behalf of its tenants in order to increase efficiency and eliminate redundancy or duplication of effort. Options available to the airport authority and its tenants for implementation of VI MSGP requirements include:

- The airport authority performs certain activities on behalf of itself and its tenants and reports on its activities;
- Tenants provide the airport authority with relevant inputs about tenants' activities and the airport authority compiles and reports on tenants' and its own activities;
- Tenants independently perform, document and submit required information on their activities.

8.19.3.3 **SWPPP Requirements.** A single comprehensive SWPPP must be developed for all stormwater discharges associated with industrial activity at the airport before submittal of any NOIs. The comprehensive SWPPP should be developed collaboratively by the airport authority and tenants. If any operator develops a SWPPP for discharges from its own areas of the airport, that SWPPP must be coordinated and integrated with the comprehensive SWPPP. All operators and their separate SWPPP contributions and compliance responsibilities must be clearly identified in the comprehensive SWPPP, which all operators must sign and certify per Part 5.2.7. As applicable, the SWPPP must clearly specify the VI MSGP requirements to be complied with by:

- The airport authority for itself;
- The airport authority on behalf of its tenants;
- Tenants for themselves.

For each activity that an operator (e.g., the airport authority) conducts on behalf of another operator (e.g., a tenant), the SWPPP must describe a process for reporting results to the latter operator and for ensuring appropriate follow-up, if necessary, by all affected operators. This is to ensure all actions are taken to correct any potential deficiencies or permit violations. For example,

where the airport authority is conducting monitoring for itself and its tenants, the SWPPP must identify how the airport authority will share the monitoring results with its tenants, and then follow-up with its tenants where there are any exceedances of benchmarks, effluent limits, or water quality standards. In turn, the SWPPP must describe how the tenants will also follow-up to ensure permit compliance.

- 8.19.3.4 ***Duty to Comply.*** All individual operators are responsible for implementing their assigned portion of the comprehensive SWPPP, and operators must ensure that their individual activities do not render another operator's stormwater controls ineffective. In addition, the standard permit conditions found in Appendix B apply to each individual operator, including B.1 Duty to Comply (which states, in part, "You [each individual operator] must comply with all conditions of this permit."). For multiple operators at an airport this means that each individual operator remains responsible for ensuring all requirements of its own VI MSGP coverage are met regardless of whether the comprehensive SWPPP allocates the actual implementation of any of those responsibilities to another entity. That is, the failure of the entity allocated responsibility in the SWPPP to implement an VI MSGP requirement on behalf of other operators does not negate the other operators' ultimate liability.

8.19.4 Additional Technology-Based Effluent Limits.

- 8.19.4.1 ***Good Housekeeping Measures.*** (See also Part 2.1.2.2)

8.19.4.1.1 *Aircraft, Ground Vehicle and Equipment Maintenance Areas.*

Minimize the contamination of stormwater runoff from all areas used for aircraft, ground vehicle and equipment maintenance (including the maintenance conducted on the terminal apron and in dedicated hangars) through implementation of control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): performing maintenance activities indoors; maintaining an organized inventory of material used in the maintenance areas; draining all parts of fluids prior to disposal; prohibiting the practice of hosing down the apron or hanger floor; using dry cleanup methods; and collecting the stormwater runoff from the maintenance area and providing treatment or recycling.

- 8.19.4.1.2 *Aircraft, Ground Vehicle and Equipment Cleaning Areas.*** (See also Part 8.19.4.6) Clearly demarcate these areas on the ground using signage or other appropriate means. Minimize the contamination of stormwater runoff from cleaning areas.

8.19.4.1.3 *Aircraft, Ground Vehicle and Equipment Storage Areas.* Store all aircraft, ground vehicles and equipment awaiting maintenance in designated areas only and implement control measures to minimize the discharge of pollutants in stormwater from these storage areas such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): storing aircraft and ground vehicles indoors; using drip pans for the collection of fluid leaks; and perimeter drains, dikes or berms surrounding the storage areas.

8.19.4.1.4 *Material Storage Areas.* Maintain the vessels of stored materials (e.g., used oils, hydraulic fluids, spent solvents, and waste aircraft fuel) in good condition, to prevent or minimize contamination of stormwater. Also plainly label the vessels (e.g., “used oil,” “Contaminated Jet A,” etc.). To minimize contamination of precipitation/runoff from these areas, implement control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): storing materials indoors; storing waste materials in a centralized location; and installing berms/dikes around storage areas.

8.19.4.1.5 *Airport Fuel System and Fueling Areas.* Minimize the discharge of pollutants in stormwater from airport fuel system and fueling areas through implementation of control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): implementing spill and overflow practices (e.g., placing absorptive materials beneath aircraft during fueling operations); using only dry cleanup methods; and collecting stormwater runoff. If you have implemented a SPCC plan developed in accordance with the 2006 amendments to the SPCC rule, you may cite the relevant aspects from your SPCC plan that comply with the requirements of this section in your SWPPP.

8.19.5 Additional SWPPP Requirements.

8.19.5.1 *Drainage Area Site Map.* (See also Part 5.2.2) Document in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: aircraft and runway deicing operations; fueling stations; aircraft, ground vehicle and equipment

maintenance/cleaning areas; storage areas for aircraft, ground vehicles and equipment awaiting maintenance.

- 8.19.5.2 **Potential Pollutant Sources.** (See also Part 5.2.3) In your inventory of exposed materials, describe in your SWPPP the potential for the following activities and facility areas to contribute pollutants to stormwater discharges: aircraft, runway, ground vehicle and equipment maintenance and cleaning.
- 8.19.5.3 **Vehicle and Equipment Wash water Requirements.** If wash water is handled in a manner that does not involve separate TPDES permitting or local pretreatment requirements (e.g., hauled offsite, retained onsite), describe the disposal method and include all pertinent information (e.g., frequency, volume, destination) in your SWPPP. Discharges of vehicle and equipment wash water are not authorized by this permit for this sector.

8.20 Sector T – Treatment Works.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.20.1 Covered Stormwater Discharges.

The requirements in Part 8.20 apply to stormwater discharges associated with industrial activity from Treatment Works as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector T.

8.20.2 Industrial Activities Covered by Sector T.

The requirements listed under this part apply to all existing point source stormwater discharges associated with the following activities:

- 8.20.2.1 **Treatment works treating domestic sewage,** or any other sewage sludge or wastewater treatment device or system used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge; that are located within the confines of a facility with a design flow of 1.0 million gallons per day (MGD) or more; or are required to have an approved pretreatment program under 40 CFR Part 403.
- 8.20.2.2 **The following are not required to have permit coverage:** farm lands, domestic gardens or lands used for sludge management where sludge is

beneficially reused and which are not physically located within the facility, or areas that are in compliance with Section 405 of the CWA.

8.20.3 Limitations on Coverage.

8.20.3.1 ***Prohibition of Non-Stormwater Discharges.*** (See also Part 1.1.4) Sanitary and industrial wastewater and equipment and vehicle wash water are not authorized by this permit. (VIDPNR includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.1.3.)

8.20.4 Additional Technology-Based Effluent Limits.

8.20.4.1 ***Control Measures.*** (See also the non-numeric effluent limits in Part 2.1.2) To minimize the discharge of pollutants in stormwater, implement control measures such as the following, where determined to be feasible (list not exclusive): routing stormwater to the treatment works; or covering exposed materials (i.e., from the following areas: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station).

8.20.4.2 ***Employee Training.*** (See also Part 2.1.2.8) At a minimum, training must address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and controls; fueling procedures; general good housekeeping practices; and proper procedures for using fertilizer, herbicides, and pesticides.

8.20.5 Additional SWPPP Requirements.

8.20.5.1 ***Site Map.*** (See also Part 5.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and storage areas for process chemicals, petroleum products, solvents, fertilizers, herbicides, and pesticides.

8.20.5.2 ***Potential Pollutant Sources.*** (See also Part 5.2.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them, as applicable: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and access roads and rail lines.

8.20.5.3 ***Wastewater and Wash water Requirements.*** If wastewater and/or vehicle and equipment wash water is not covered by another TPDES permit but is handled in another manner (e.g., hauled offsite, retained onsite), the disposal method

must be described and all pertinent information (e.g., frequency, volume, destination) must be included in your SWPPP. Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit for this sector.

8.20.6 Additional Inspection Requirements. (See also Part 3.1)

Include the following areas in all inspections: access roads and rail lines; grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station.

8.21 Sector U – Food and Kindred Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.21.1 Covered Stormwater Discharges.

The requirements in Part 8.21 apply to stormwater discharges associated with industrial activity from Food and Kindred Products facilities as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector U.

8.21.2 Limitations on Coverage.

8.21.2.1 ***Prohibition of Non-Stormwater Discharges.*** (See also Part 1.1.4) The following discharges are not authorized by this permit: discharges containing boiler blowdown, cooling tower overflow and blowdown, ammonia refrigeration purging, and vehicle washing and clean-out operations. (VIDPNR includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.1.3.)

8.21.3 Additional Technology-Based Limitations.

8.21.3.1 ***Employee Training.*** (See also Part 2.1.2.8) Address pest control in your employee training program.

8.21.4 Additional SWPPP Requirements.

8.21.4.1 ***Drainage Area Site Map.*** (See also Part 5.2.2) Document in your SWPPP the locations of the following activities if they are exposed to precipitation or runoff: vents and stacks from cooking, drying, and similar operations; dry

product vacuum transfer lines; animal holding pens; spoiled product; and broken product container storage areas.

8.21.4.2 **Potential Pollutant Sources.** (See also Part 5.2.3) Document in your SWPPP, in addition to food and kindred products processing-related industrial activities, application and storage of pest control chemicals (e.g., rodenticides, insecticides, fungicides) used on plant grounds.

8.21.5 Additional Inspection Requirements. (See also Part 3.1)

Inspect on a quarterly basis, at a minimum, the following areas where the potential for exposure to stormwater exists: loading and unloading areas for all significant materials; storage areas, including associated containment areas; waste management units; vents and stacks emanating from industrial activities; spoiled product and broken product container holding areas; animal holding pens; staging areas; and air pollution control equipment.

8.21.6 Sector-Specific Benchmarks. (See also Part 6)

Table 8.21.1 identifies benchmarks that apply to the specific subsectors of Sector U. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.21.1.		
Subsector (You may be subject to requirements for more than one Sector / Subsector)	Parameter	Benchmark Monitoring Concentration
Subsector U1. Grain Mill Products (SIC 2041-2048)	Total Suspended Solids (TSS)	100 mg/L
Subsector U2. Fats and Oils Products (SIC 2074-2079)	Biochemical Oxygen Demand (BOD5)	30 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Suspended Solids (TSS)	100 mg/L

8.22 Sector V – Textile Mills, Apparel, and Other Fabric Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.22.1 Covered Stormwater Discharges.

The requirements in Part 8.22 apply to stormwater discharges associated with industrial activity from Textile Mills, Apparel, and Other Fabric Product manufacturing as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector V.

8.22.2 Limitations on Coverage.

8.22.2.1 ***Prohibition of Non-Stormwater Discharges.*** (See also Part 1.1.4) The following are not authorized by this permit: discharges of wastewater (e.g., wastewater resulting from wet processing or from any processes relating to the production process), reused or recycled water, and waters used in cooling towers. If you have these types of discharges from your facility, you must cover them under a separate TPDES permit. (VIDPNR includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.1.3.)

8.22.3 Additional Technology-Based Limitations.

8.22.3.1 ***Good Housekeeping Measures.*** (See also Part 2.1.2.2)

8.22.3.1.1 *Material Storage Areas.* Plainly label and store all containerized materials (e.g., fuels, petroleum products, solvents, and dyes) in a protected area, away from drains. Minimize contamination of the stormwater runoff from such storage areas. Also consider an inventory control plan to prevent excessive purchasing of potentially hazardous substances. For storing empty chemical drums or containers, ensure that the drums and containers are clean (consider triple-rinsing) and that there is no contact of residuals with precipitation or runoff. Collect and dispose of wash water from these cleanings properly.

8.22.3.1.2 *Material Handling Areas.* Minimize contamination of stormwater runoff from material handling operations and areas through implementation of control measures such as the following, where determined to be feasible: use of spill and overflow protection; covering fueling areas; and covering or enclosing areas where the transfer of material may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals, dyes, or wastewater.

8.22.3.1.3 *Fueling Areas.* Minimize contamination of stormwater runoff from fueling areas through implementation of control measures such as the following, where determined to be feasible: covering the fueling area, using spill and overflow protection, minimizing run-on of stormwater to the fueling areas, using dry cleanup methods, and

treating and/or recycling stormwater runoff collected from the fueling area.

8.22.3.1.4 Above-Ground Storage Tank Area. Minimize contamination of the stormwater runoff from above-ground storage tank areas, including the associated piping and valve, through implementation of control measures such as the following, where determined to be feasible (list not exclusive): regular cleanup of these areas; including measures for tanks, piping and valves explicitly in your SPCC program; minimizing runoff of stormwater from adjacent areas; restricting access to the area; inserting filters in adjacent catch basins; providing absorbent booms in unbermed fueling areas; using dry cleanup methods; and permanently sealing drains within critical areas that may discharge to a storm drain.

8.22.3.2 **Employee Training.** (See also Part 2.1.2.8) As part of your employee training program, address, at a minimum, the following activities (as applicable): use of reused and recycled waters, solvents management, proper disposal of dyes, proper disposal of petroleum products and spent lubricants, spill prevention and control, fueling procedures, and general good housekeeping practices.

8.22.4 Additional SWPPP Requirements.

8.22.4.1 **Potential Pollutant Sources.** (See also Part 5.2.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them: industry-specific significant materials and industrial activities (e.g., backwinding, beaming, bleaching, backing bonding, carbonizing, carding, cut and sew operations, desizing, drawing, dyeing locking, fulling, knitting, mercerizing, opening, packing, plying, scouring, slashing, spinning, synthetic-felt processing, textile waste processing, tufting, turning, weaving, web forming, winging, yarn spinning, and yarn texturing).

8.22.4.2 **Description of Good Housekeeping Measures for Material Storage Areas.** Document in the SWPPP your containment area or enclosure for materials stored outdoors in connection with Part 8.22.3.1.1 above.

8.22.5 Additional Inspection Requirements. (See also Part 3.1)

Inspect, at least monthly, the following activities and areas (at a minimum): transfer and transmission lines, spill prevention, good housekeeping practices, management of process waste products, and all structural and nonstructural management practices.

8.23 Sector W – Furniture and Fixtures.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-

specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.23.1 Covered Stormwater Discharges.

The requirements in Part 8.23 apply to stormwater discharges associated with industrial activity from Furniture and Fixtures facilities as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector W.

8.23.2 Additional SWPPP Requirements.

8.23.2.1 *Drainage Area Site Map.* (See also Part 5.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: material storage (including tanks or other vessels used for liquid or waste storage) areas; outdoor material processing areas; areas where wastes are treated, stored, or disposed of; access roads; and rail spurs.

8.24 Sector X – Printing and Publishing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.24.1 Covered Stormwater Discharges.

The requirements in Part 8.24 apply to stormwater discharges associated with industrial activity from Printing and Publishing facilities as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector X.

8.24.2 Additional Technology-Based Effluent Limits.

8.24.2.1 *Good Housekeeping Measures.* (See also Part 2.1.2.2)

8.24.2.1.1 Material Storage Areas. Plainly label and store all containerized materials (e.g., skids, pallets, solvents, bulk inks, hazardous waste, empty drums, portable and mobile containers of plant debris, wood crates, steel racks, and fuel oil) in a protected area, away from drains. Minimize contamination of the stormwater runoff from such storage areas. Also consider an inventory control plan to prevent excessive purchasing of potentially hazardous substances.

8.24.2.1.2 Material Handling Area. Minimize contamination of stormwater runoff from material handling operations and areas (e.g., blanket wash, mixing solvents, loading and unloading materials) through

implementation of control measures such as the following, where determined to be feasible (list not exclusive): using spill and overflow protection, covering fueling areas, and covering or enclosing areas where the transfer of materials may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals or wastewater.

8.24.2.1.3 *Fueling Areas.* Minimize contamination of stormwater runoff from fueling areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering the fueling area, using spill and overflow protection, minimizing runoff of stormwater to the fueling areas, using dry cleanup methods, and treating and/or recycling stormwater runoff collected from the fueling area.

8.24.2.1.4 *Above Ground Storage Tank Area.* Minimize contamination of the stormwater runoff from above-ground storage tank areas, including the associated piping and valves, through implementation of control measures such as the following, where determined to be feasible (list not exclusive): regularly cleaning these areas, explicitly addressing tanks, piping and valves in the SPCC program, minimizing stormwater runoff from adjacent areas, restricting access to the area, inserting filters in adjacent catch basins, providing absorbent booms in unbermed fueling areas, using dry cleanup methods, and permanently sealing drains within critical areas that may discharge to a storm drain.

8.24.2.2 *Employee Training.* (See also Part 2.1.2.8) As part of your employee training program, address, at a minimum, the following activities (as applicable): spent solvent management, spill prevention and control, used oil management, fueling procedures, and general good housekeeping practices.

8.24.3 Additional SWPPP Requirements.

8.24.3.1 *Description of Good Housekeeping Measures for Material Storage Areas.* In connection with Part 8.24.2.1.1, describe in the SWPPP the containment area or enclosure for materials stored outdoors.

8.25 Sector Y – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.25.1 Covered Stormwater Discharges.

The requirements in Part 8.25 apply to stormwater discharges associated with industrial activity from Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries facilities as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector Y.

8.25.2 Additional Technology-Based Effluent Limits.

8.25.2.1 *Controls for Rubber Manufacturers.* (See also Part 2.1.2) Minimize the discharge of zinc in your stormwater discharges. Parts 8.25.2.1.1 to 8.25.2.1.5 give possible sources of zinc to be reviewed and list some specific control measures to be implemented where determined to be feasible. Implement additional control measures such as the following, where determined to be feasible (list not exclusive): using chemicals purchased in pre-weighed, sealed polyethylene bags; storing in-use materials in sealable containers, ensuring an airspace between the container and the cover to minimize “puffing” losses when the container is opened, and using automatic dispensing and weighing equipment.

8.25.2.1.1 *Zinc Bags.* Ensure proper handling and storage of zinc bags at your facility through implementation of control measures such as the following, where determined to be feasible (list not exclusive): employee training on the handling and storage of zinc bags, indoor storage of zinc bags, cleanup of zinc spills without washing the zinc into the storm drain, and the use of 2,500-pound sacks of zinc rather than 50- to 100-pound sacks.

8.25.2.1.2 *Dumpsters.* Minimize discharges of zinc from dumpsters through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering the dumpster, moving the dumpster indoors, or providing a lining for the dumpster.

8.25.2.1.3 *Dust Collectors and Baghouses.* Minimize contributions of zinc to stormwater from dust collectors and baghouses. Replace or repair, as appropriate, improperly operating dust collectors and baghouses.

8.25.2.1.4 *Grinding Operations.* Minimize contamination of stormwater as a result of dust generation from rubber grinding operations. One control measure option is to install a dust collection system where determined to be feasible.

8.25.2.1.5 *Zinc Stearate Coating Operations.* Minimize the potential for stormwater contamination from drips and spills of zinc stearate slurry that may be released to the storm drain. One control measure

option is to use alternative compounds to zinc stearate where determined to be feasible.

8.25.2.2 **Controls for Plastic Products Manufacturers.** Minimize the discharge of plastic resin pellets in your stormwater discharges through implementation of control measures such as the following, where determined to be feasible (list not exclusive): minimizing spills, cleaning up of spills promptly and thoroughly, sweeping thoroughly, pellet capturing, employee education, and disposal precautions.

8.25.3 Additional SWPPP Requirements.

8.25.3.1 **Potential Pollutant Sources for Rubber Manufacturers.** (See also Part 5.2.3) Document in your SWPPP the use of zinc at your facility and the possible pathways through which zinc may be discharged in stormwater runoff.

8.25.4 Sector-Specific Benchmarks. (See also Part 6)

Table 8.25.1 identifies benchmarks that apply to Sector Y. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.25.1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector Y1. Rubber Products Manufacturing (SIC 3011, 3021, 3052, 3053, 3061, 3069)	Total Zinc (freshwater) ² Total Zinc (saltwater) ¹	Hardness Dependent 0.09 mg/L

¹ Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

² The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix I, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 6.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Zinc (mg/L)
0-24.99 mg/L	0.04
25-49.99 mg/L	0.05
50-74.99 mg/L	0.08
75-99.99 mg/L	0.11
100-124.99 mg/L	0.13
125-149.99 mg/L	0.16
150-174.99 mg/L	0.18

175-199.99 mg/L	0.20
200-224.99 mg/L	0.23
225-249.99 mg/L	0.25
250+ mg/L	0.26

8.26 Sector Z – Leather Tanning and Finishing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.26.1 Covered Stormwater Discharges.

The requirements in Part 8.26 apply to stormwater discharges associated with industrial activity from Leather Tanning and Finishing facilities as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector Z.

8.26.2 Additional Technology-Based Effluent Limits.

8.26.2.1 *Good Housekeeping Measures.* (See also Part 2.1.2.2)

8.26.2.1.1 Storage Areas for Raw, Semiprocessed, or Finished Tannery By-products. Minimize contamination of stormwater runoff from pallets and bales of raw, semiprocessed, or finished tannery by-products (e.g., splits, trimmings, shavings). Store or protect indoors with polyethylene wrapping, tarpaulins, roofed storage, etc. where practicable. Place materials on an impermeable surface and enclosing or putting berms (or equivalent measures) around the area to prevent stormwater run-on and runoff where practicable..

8.26.2.1.2 Material Storage Areas. Label storage containers of all materials (e.g., specific chemicals, hazardous materials, spent solvents, waste materials) minimize contact of such materials with stormwater.

8.26.2.1.3 Buffing and Shaving Areas. Minimize contamination of stormwater runoff with leather dust from buffing and shaving areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): implementing dust collection enclosures, preventive inspection and maintenance programs, or other appropriate preventive measures.

8.26.2.1.4 Receiving, Unloading, and Storage Areas. Minimize contamination of stormwater runoff from receiving, unloading, and storage areas. If these areas are exposed, implement control measures such as the

following, where determined to be feasible (list not exclusive): covering all hides and chemical supplies, diverting drainage to the process sewer, or grade berming or curbing the area to prevent stormwater runoff.

8.26.2.1.5 *Outdoor Storage of Contaminated Equipment.* Minimize contact of stormwater with contaminated equipment through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering equipment, diverting drainage to the process sewer, and cleaning thoroughly prior to storage.

8.26.2.1.6 *Waste Management.* Minimize contamination of stormwater runoff from waste storage areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering dumpsters, moving waste management activities indoors, covering waste piles with temporary covering material such as tarpaulins or polyethylene, and minimizing stormwater runoff by enclosing the area or building berms around the area.

8.26.3 Additional SWPPP Requirements.

8.26.3.1 *Drainage Area Site Map.* (See also Part 5.2.2) Identify in your SWPPP where any of the following may be exposed to precipitation or surface runoff: processing and storage areas of the beamhouse, tanyard, and re-tan wet finishing and dry finishing operations.

8.26.3.2 *Potential Pollutant Sources.* (See also Part 5.2.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them (as appropriate): temporary or permanent storage of fresh and brine-cured hides; extraneous hide substances and hair; leather dust, scraps, trimmings, and shavings.

8.27 Sector AA – Fabricated Metal Products

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.27.1 Covered Stormwater Discharges.

The requirements in Part 8.27 apply to stormwater discharges associated with industrial activity from Fabricated Metal Products facilities as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector AA.

8.27.2 Additional Technology-Based Effluent Limits.

8.27.2.1 *Good Housekeeping Measures.* (See also Part 2.1.2.2)

8.27.2.1.1 *Raw Steel Handling Storage.* Minimize the generation of and/or recover and properly manage scrap metals, fines, and iron dust. Include measures for containing materials within storage handling areas.

8.27.2.1.2 *Paints and Painting Equipment.* Minimize exposure of paint and painting equipment to stormwater.

8.27.2.2 *Spill Prevention and Response Procedures.* (See also Part 2.1.2.4) Ensure that the necessary equipment to implement a cleanup is available to personnel. The following areas should be addressed:

8.27.2.2.1 *Metal Fabricating Areas.* Maintain clean, dry, orderly conditions in these areas. Use dry clean-up techniques where practicable.

8.27.2.2.2 *Storage Areas for Raw Metal.* Keep these areas free of conditions that could cause, or impede appropriate and timely response to, spills or leakage of materials through implementation of control measures such as the following, where determined to be feasible (list not exclusive): maintaining storage areas so that there is easy access in the event of a spill, and labeling stored materials to aid in identifying spill contents.

8.27.2.2.3 *Metal Working Fluid Storage Areas.* Minimize the potential for stormwater contamination from storage areas for metal working fluids.

8.27.2.2.4 *Cleaners and Rinse Water.* Control and clean up spills of solvents and other liquid cleaners, control sand buildup and disbursement from sand-blasting operations, and prevent exposure of recyclable wastes. Substitute environmentally benign cleaners when possible.

8.27.2.2.5 *Lubricating Oil and Hydraulic Fluid Operations.* Minimize the potential for stormwater contamination from lubricating oil and hydraulic fluid operations. Use monitoring equipment or other devices to detect and control leaks and overflows. Install perimeter controls such as dikes, curbs, grass filter strips, or equivalent measures.

8.27.2.2.6 Chemical Storage Areas. Minimize stormwater contamination and accidental spillage in chemical storage areas. Include a program to inspect containers and identify proper disposal methods.

8.27.2.3 **Spills and Leaks.** (See also Part 5.2.3.3) In your spill prevention and response procedures, required by Part 2.1.2.4, pay attention to the following materials (at a minimum): chromium, toluene, pickle liquor, sulfuric acid, zinc and other water priority chemicals, and hazardous chemicals and wastes.

8.27.3 Additional SWPPP Requirements.

8.27.3.1 **Drainage Area Site Map.** (See also Part 5.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: raw metal storage areas; finished metal storage areas; scrap disposal collection sites; equipment storage areas; retention and detention basins; temporary and permanent diversion dikes or berms; right-of-way or perimeter diversion devices; sediment traps and barriers; processing areas, including outside painting areas; wood preparation; recycling; and raw material storage.

8.27.3.2 **Potential Pollutant Sources.** (See also Part 5.2.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them: loading and unloading operations for paints, chemicals, and raw materials; outdoor storage activities for raw materials, paints, empty containers, corn cobs, chemicals, and scrap metals; outdoor manufacturing or processing activities such as grinding, cutting, degreasing, buffing, and brazing; onsite waste disposal practices for spent solvents, sludge, pickling baths, shavings, ingot pieces, and refuse and waste piles.

8.27.4 Additional Inspection Requirements.

8.27.4.1 **Inspections.** (See also Part 3.1) At a minimum, include the following areas in all inspections: raw metal storage areas, finished product storage areas, material and chemical storage areas, recycling areas, loading and unloading areas, equipment storage areas, paint areas, drainage from roof and vehicle fueling and maintenance areas. Potential pollutants include chromium, zinc, lubricating oil, solvents, aluminum, oil and grease, methyl ethyl ketone, steel, and related materials.

8.27.5 Sector-Specific Benchmarks. (See also Part 6)

Table 8.27.1 identifies benchmarks that apply to the specific subsectors of Sector AA. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.27.1		
Subsector (You may be subject to requirements)	Parameter	Benchmark Monitoring

for more than one sector/subsector)		Concentration
Subsector AA1. Fabricated Metal Products, except Coating (SIC 3411-3499; 3911-3915)	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Zinc (freshwater) ² Total Zinc (saltwater) ¹	Hardness Dependent 0.09 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
Subsector AA2. Fabricated Metal Coating and Engraving (SIC 3479)	Total Zinc freshwater) ² Total Zinc (saltwater) ¹	Hardness Dependent 0.09 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L

¹ Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

²The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix I, “Calculating Hardness in Receiving Waters for Hardness Dependent Metals,” for methodology), in accordance with Part 6.2.1.1, to identify the applicable ‘hardness range’ for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	Zinc (mg/L)
0-24.99 mg/L	0.04
25-49.99 mg/L	0.05
50-74.99 mg/L	0.08
75-99.99 mg/L	0.11
100-124.99 mg/L	0.13
125-149.99 mg/L	0.16
150-174.99 mg/L	0.18
175-199.99 mg/L	0.20
200-224.99 mg/L	0.23
225-249.99 mg/L	0.25
250+ mg/L	0.26

8.28 Sector AB – Transportation Equipment, Industrial or Commercial Machinery Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.28.1 Covered Stormwater Discharges.

The requirements in Part 8.28 apply to stormwater discharges associated with industrial activity from Transportation Equipment, Industrial or Commercial Machinery facilities as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector AB.

8.28.2 Additional SWPPP Requirements.

8.28.2.1 *Drainage Area Site Map.* (See also Part 5.2.2) Identify in your SWPPP where any of the following may be exposed to precipitation or surface runoff: vents and stacks from metal processing and similar operations.

8.29 Sector AC –Electronic and Electrical Equipment and Components, Photographic and Optical Goods.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.29.1 Covered Stormwater Discharges.

The requirements in Part 8.29 apply to stormwater discharges associated with industrial activity from facilities that manufacture Electronic and Electrical Equipment and Components, Photographic and Optical goods as identified by the SIC Codes specified in Appendix C of this permit under Table C-1, Sector AC.

8.29.2 Additional Requirements.

No additional sector-specific requirements apply.

8.30 Sector AD – Stormwater Discharges Designated by the Commissioner as Requiring Permits.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity *and* any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.30.1 Covered Stormwater Discharges.

Part 8.30 is used to provide permit coverage for facilities designated by the Commissioner as needing a stormwater permit, and any discharges of stormwater

associated with industrial activity that do not meet the description of an industrial activity covered by Sectors A-AC.

8.30.1.1 ***Eligibility for Permit Coverage.*** Because this sector is primarily intended for use by discharges designated by the Commissioner as needing a stormwater permit (which is an atypical circumstance), and your facility may or may not normally be discharging stormwater associated with industrial activity, you must obtain the Commissioner's written permission to use this permit prior to submitting an NOI. If you are authorized to use this permit, you will still be required to ensure that your discharges meet the basic eligibility provisions of this permit at Part 1.1.

8.30.2 Sector-Specific Benchmarks and Effluent Limits. (See also Part 6)

The Commissioner will establish any additional monitoring and reporting requirements for your facility prior to authorizing you to be covered by this permit. Additional monitoring requirements would be based on the nature of activities at your facility and your stormwater discharges.

Appendix A. Definitions, Abbreviations and Acronyms

A.1. DEFINITIONS (for the purposes of this permit).

Act – the Virgin Islands Water Pollution Control Act, 12 V.I.C., section 181 et seq.

Action Area – all areas to be affected directly or indirectly by the Territorial and/or federal action and not merely the immediate area involved in the action. See 50 CFR 402. For the purposes of this permit and for application of Endangered Species Act requirements, the following areas are included in the definition of action area:

- The areas where stormwater discharges originate and flow from the industrial facility to the point of discharge into receiving waters. (Example: Where stormwater flows into a ditch, swale, or gully that leads to receiving waters and where listed species (such as listed amphibians) are found in the ditch, swale, or gully.)
- The areas where stormwater from industrial activities discharge into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where stormwater from industrial activities discharges into a stream segment that is known to harbor listed aquatic species.)
- The areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls. (Example: Where a stormwater retention pond would be built.)
- The areas upstream and/or downstream from the stormwater discharge into a stream segment that may be affected by these discharges. (Example: Where sediment discharged to a receiving stream settles downstream and impacts a breeding area of a listed aquatic species.)

Antidegradation Policy or Antidegradation Requirements – the water quality standards regulation that requires VIDPNR to establish a three-tiered antidegradation program: DPNR-DEP shall maintain and protect existing in stream water uses, including those that protect threatened and endangered species listed pursuant to section 4 of the Federal Endangered Species Act and Title 12, Chapter 2 of the Virgin Islands Code, as well as the level of water quality necessary to protect existing uses.

a) Anti-degradation Policy

1. In those water bodies where the quality exceeds levels necessary to support the protection and propagation of fish, wildlife, desirable species, including threatened or endangered species and recreation in and on the water, that quality shall be maintained and protected.
2. A lower water quality may be allowed when the Territory's Water Quality Management Program and the Environmental Protection Agency determines, after full satisfaction, and in accordance with the public review process (§ 186-

15 herein), that allowing lower water quality is necessary to accommodate important economic or social development and will not interfere with or become injurious to any assigned uses made of, or presently possible in such waters. In allowing such lower water quality, the Territory's Water Quality Management Program and the Environmental Protection Agency shall require a water quality level adequate to fully protect existing and designated uses. Further, the Territory's Water Quality Management Program and the Environmental Protection Agency will require that:

- The highest statutory and regulatory requirements for all new and/or existing point sources be achieved, and
 - The cost-effective and reasonable best management practices for non-point sources control be implemented.
- A. The Territory's Water Quality Management Program and the Environmental Protection Agency identify waters for the protections describe in (a)(2) of this section on a parameter-by-parameter basis
- B. Before allowing any lowering of high water quality, pursuant to (a)(2) of this section, the Territory's Water Quality Management Program and the Environmental Protection Agency shall find, after an analysis of alternatives, that such a lowering is necessary to accommodate important economic or social development in the area in which the waters are located. The analysis of alternatives shall evaluate a range of practicable alternatives that would prevent or lessen the degradation associated with the proposed activity. When the analysis of alternatives identifies one or more practicable alternatives, the Territory's Water Quality Management Program and the Environmental Protection Agency shall only find that a lowering is necessary if one such alternative is selected for implementation.
3. Where high quality waters constitute an outstanding national resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance, the water quality shall be maintained and protected.
4. Where potential water quality impairment is associated with a thermal discharge this thermal discharge must comply with Section 316 of the Clean Water Act, as amended, 33 U.S.C. §1326.

Arid Climate – areas where annual rainfall averages from 0 to 10 inches.

Bypass – the intentional diversion of waste streams from any portion of a treatment facility. See 40 CFR 122.41(m)(1)(i).

Best Management Practices (BMPs) – schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States Virgin Islands. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. See 12 VIRR §184 and 40 CFR 122.2.

CERCLA Site (i.e., Superfund Site) - for the purposes of this permit, a site as defined in Section 101(9) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9601(9), that is undergoing a remedial investigation and feasibility study, or for which a Record of Decision for remedial action has been issued in accordance with the National Contingency Plan, 40 CFR Part 300.

Co-located Industrial Activities – Any industrial activities, excluding your primary industrial activity(ies), located on-site that are defined by the stormwater regulations at 122.26(b)(14)(i)-(ix) and (xi). An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the stormwater regulations or identified by the SIC code list in Appendix C.

Commissioner – means the Commissioner of the Department of Planning and Natural Resources, or his designee.

Confidential Business Information (CBI) – see 40 CFR Part 2 for relevant definitions of CBI: <http://www.gpo.gov/fdsys/pkg/CFR-2013-title40-vol1/pdf/CFR-2013-title40-vol1-part2-subpartB.pdf>.

Control Measure – refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States Virgin Islands.

Corrective Action – for the purposes of the permit, any action taken, or required to be taken, to (1) repair, modify, or replace any stormwater control used at the site; (2) clean up and dispose of spills, releases, or other deposits found on the site; and (3) remedy a permit violation.

Critical Habitat – as defined in the Endangered Species Act at 16 U.S.C. 1531 for a threatened or endangered species, (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Department – the Department of Planning and Natural Resources.

Discharge – when used without qualification, means the "discharge of a pollutant." See 12 VIRR §184 and 40 CFR 122.2.

Discharge of a pollutant – (i) Any addition of any “pollutant” or combination of pollutants to “waters of the United States Virgin Islands” from any “point source,” or

(ii) Any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any “indirect discharger.”

Discharge Point – for the purposes of this permit, the location where collected and concentrated stormwater flows are discharged from the facility such that the first receiving waterbody into which the discharge flows, either directly or through a separate storm sewer system, is a water of the USVI.

Discharge Monitoring Report (DMR) - the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by “approved States” as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

Discharge-related activities – activities that cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the setting, construction and operation of BMPs to control, reduce, or prevent pollution in the discharges.

Discharge to an Impaired Water – for the purposes of this permit, a discharge to an impaired water occurs if the first water of the U.S. to which you discharge is identified by VIDPNR as not meeting an applicable water quality standard, and requires development of a total maximum daily load (TMDL) (pursuant to Section 303(d) of the Clean Water Act), or is addressed by a VIDPNR and EPA established TMDL, or is not in either of the above categories but the waterbody is covered by pollution control requirements that meet the requirements of 40 CFR 130.7(b)(1). For discharges that enter a separate storm sewer system prior to discharge, the water of the USVI to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system.

Drought-stricken area – for the purposes of this permit, an area in which the National Oceanic and Atmospheric Administration’s U.S. Seasonal Drought Outlook indicates for the period that any of the following conditions are likely: (1) “Drought to persist or intensify”, (2) “Drought ongoing, some improvement”, (3) “Drought likely to improve, impacts ease”, or (4) “Drought development likely”. See http://www.cpc.ncep.noaa.gov/products/expert_assessment/season_drought.gif.

Effective Operating Condition – for the purposes of this permit, a stormwater control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.

Effluent Limitations – for the purposes of this permit, any of the Part 2 or Part 3 requirements.

Effluent Limitations Guideline (ELG) – defined in 40 CFR § 122.2 as a regulation published by the Administrator under section 304(b) of CWA to adopt or revise effluent limitations.

Eligible – for the purposes of this permit, refers to stormwater and allowable non-stormwater discharges that are authorized for coverage under this general permit.

Endangered Species – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.

Existing Discharger – an operator applying for coverage under this permit for discharges authorized previously under a TPDES general or individual permit.

Facility or Activity – any TPDES “point source” (including land or appurtenances thereto) that is subject to regulation under the TPDES program. See 40 CFR 122.2.

Feasible – for the purposes of this permit, feasible means technologically possible and economically practicable and achievable in light of best industry practices. VIDPNR notes that it does not intend for any permit requirement to conflict with Territorial water rights law.

Federal Facility – any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the federal government.

Federal Operator – an entity that meets the definition of “Operator” in this permit and is either any department, agency or instrumentality of the executive, legislative, and judicial branches of the Federal government of the United States, or another entity, such as a private contractor, operating for any such department, agency, or instrumentality.

Federal Water Pollution Control Act (FWPCA) – also called the Federal Clean Water Act (CWA); refers to 33 U.S.C., section 1251 et seq as amended, and the rules and regulations promulgated there under.

Hazardous Materials or Hazardous Substances or Toxic Materials – for the purposes of this permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR §261.2.

Historic Property – as defined in the National Historic Preservation Act regulations means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance

Impaired Water (or “Water Quality Impaired Water” or “Water Quality Limited Segment”) – A water is impaired for purposes of this permit if it has been identified by VIDPNR or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards (these waters are called “water quality limited segments” under 40 CFR 30.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

Industrial Activity – the 10 categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity” as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

Industrial Stormwater – stormwater runoff from industrial activity.

Infeasible – for the purposes of this permit, infeasible means not technologically possible or not economically practicable and achievable in light of best industry practices. VIDPNR notes that it does not intend for any permit requirement to conflict with Territorial water rights law.

Measurable Storm Event – a precipitation event that results in a measurable amount of precipitation (i.e., a storm event that results in an actual discharge) and that follows the preceding storm event by at least 72 hours (3-days). The 72-hour storm interval does not apply if you document that less than a 72-hour interval is representative for local storm events.

Minimize – for the purposes of this permit, minimize means to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practices.

Municipal Separate Storm Sewer (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. See 40 CFR 122.26(b)(4) and (b)(7).

New Discharger – a facility from which there is a discharge, that did not commence the discharge at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective TPDES permit for discharges at that site. See 40 CFR 122.2.

New Source – any building, structure, facility, or installation from which there is or may be a “discharge of pollutants,” the construction of which commenced:

- (i) after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or
- (ii) after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal. See 40 CFR 122.2.

New Source Performance Standards (NSPS) – technology-based standards for facilities that qualify as new sources under 40 CFR 122.2 and 40 CFR 122.29.

No exposure – all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, and/or runoff. See 40 CFR 122.26(g).

Non-Stormwater Discharges – discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, non-contact cooling water, pavement wash water, external building washdown, irrigation water, or uncontaminated ground water or spring water.

Notice of Intent (NOI) – the form (electronic or paper) required for authorization of coverage under the Multi-Sector General Permit.

Notice of Termination (NOT) – the form (electronic or paper) required for terminating coverage under the Multi-Sector General Permit.

Operator – any entity with a stormwater discharge associated with industrial activity that meets either of the following two criteria:

- (i) The entity has operational control over industrial activities, including the ability to modify those activities; or
- (ii) The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).

Outfall – see “Discharge Point.”

Permit - an authorization, license, or equivalent control document to discharge pollutants into United States Virgin Islands waters issued under 12 V.I.C., section 185 and regulations promulgated pursuant thereto.

Permittee – the holder of either a TPDES Permit or coverage under a General TPDES Permit

Person – an individual, corporation, partnership, association, municipality, territory, or territorial agency, the Government of the United States Virgin Islands, the Government of the United States, and any board, commission, authority, or independent instrumentality of the Government of the Virgin Islands and the United States Government and any officer, agent, or employee thereof, including those having regulatory authority over the discharge of pollutants.

Point source – any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff. See 12 VIRR §184 and 40 CFR 122.2.

Pollutant – a partial listing from this definition includes dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water. See 12 VIRR §184 and 40 CFR 122.2.

Pollutant of concern – A pollutant which causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in a state's 303(d) list.

Primary industrial activity – includes any activities performed on-site which are (1) identified by the facility's primary SIC code; or (2) included in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), or (vii), and (ix). [For co-located activities covered by multiple SIC codes, it is recommended that the primary industrial determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary industrial activity.] Narrative descriptions in 40 CFR 122.26(b)(14) identified above include: (i) activities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (iv) hazardous waste treatment storage, or disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (v) landfills, land application sites and open dumps that receive or have received industrial wastes; (vii) steam electric power generating facilities; and (ix) sewage treatment works with a design flow of 1.0 MGD or more.

Qualified Personnel – Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at your facility, and who can also evaluate the effectiveness of control measures.

Reportable Quantity Release – a release of a hazardous substance at or above the established legal threshold that requires emergency notification. Refer to 40 CFR Parts 110, 117, and 302 for complete definitions and reportable quantities for which notification is required.

Restricted Information – for the purposes of this permit, information that is privileged or that is otherwise protected from disclosure pursuant to applicable statutes, Executive Orders, or regulations. Such information includes, but is not limited to: classified national security information, protected critical infrastructure information, sensitive security information, and proprietary business information.

Runoff coefficient – the fraction of total rainfall that will appear at the conveyance as runoff. See 40 CFR 122.26(b)(11).

Run-On – sources of stormwater that drain from land located upslope or upstream from the regulated facility in question.

Saline Water or Saltwater – for the purposes of this permit, a waterbody with salinity that is equal to or exceeds 10 parts per thousand 95 percent or more of the time, unless

otherwise defined as a coastal or marine water by the applicable state surface water quality standards.

Semi-Arid Areas – areas where annual rainfall averages from 10 to 20 inches.

Significant materials – includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges. See 40 CFR 122.26(b)(12).

Special Aquatic Sites – sites identified in 40 CFR 230 Subpart E. These are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region.

Spill – for the purpose of this permit, the release of a hazardous or toxic substance from its container or containment.

Stormwater – stormwater runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13).

Stormwater Controls – see “Control Measures.”

Stormwater Discharges Associated with Construction Activity – a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

Stormwater Discharges Associated with Industrial Activity – the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the TPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including

tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities include those that are federally, State, or municipally owned or operated that meet the description of the facilities listed in 40 CFR 122.26(b)(14). The term also includes those facilities designated under the provisions of 40 CFR 122.26(a)(1)(v). See 40 CFR 122.26(b)(14).

Stormwater Team – the group of individuals responsible for oversight of the development and modifications of the SWPPP, and oversight of compliance with the permit requirements. The individuals on the “Stormwater Team” must be identified in the SWPPP.

Storm Event – a precipitation event that results in a measurable amount of precipitation.

Threatened Species – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Total Maximum Daily Loads (TMDLs) – A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

Toxic Waste – see “Hazardous Materials.”

Uncontaminated Discharge – a discharge that does not cause or contribute to an exceedance of applicable water quality standards.

Upset – Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41(n)(1).

VIDPNR Approved or Established Total Maximum Daily Loads (TMDLs) – “VIDPNR Approved TMDLs” are those that are developed by a qualified agency such as

EPA and approved by VIDPNR. “VIDPNR Established TMDLs” are those that are developed by VIDPNR.

Water Quality Impaired – See ‘Impaired Water’.

Water Quality Standards – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. VIDPNR adopts water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the VIWPCA and the Clean Water Act (See CWA sections 101(a)2 and 303(c)). Water quality standards also include an antidegradation policy.

“You” and “Your” – as used in this permit are intended to refer to the permittee, the operator, or the discharger as the context indicates and that party’s facility or responsibilities. The use of “you” and “your” refers to a particular facility and not to all facilities operated by a particular entity. For example, “you must submit” means the permittee must submit something for that particular facility. Likewise, “all your discharges” would refer only to discharges at that one facility.

A.2. ABBREVIATIONS AND ACRONYMS

ACHP - Advisory Council on Historic Preservation
BAT – Best Available Technology Economically Achievable
BOD5 – Biochemical Oxygen Demand (5-day test)
BMP – Best Management Practice
BPJ – Best Professional Judgment
BPT – Best Practicable Control Technology Currently Available
CERCLA – Comprehensive Environmental Response, Compensation and Liability Act
CFR – Code of Federal Regulations
CGP – Construction General Permit
COD – Chemical Oxygen Demand
CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*)
CWT – Centralized Waste Treatment
DMR – Discharge Monitoring Report
EPA – U. S. Environmental Protection Agency
ESA – Endangered Species Act
FWS – U. S. Fish and Wildlife Service
LA – Load Allocations
MDMR – MSGP Discharge Monitoring Report
MGD – Million Gallons per Day
MOS – Margin of Safety
MS4 – Municipal Separate Storm Sewer System
MSDS – Material Safety Data Sheet
MSGP – Multi-Sector General Permit
NAICS – North American Industry Classification System
NEPA – National Environmental Policy Act
NHPA – National Historic Preservation Act
NMFS – U. S. National Marine Fisheries Service
NOI – Notice of Intent
NOT – Notice of Termination
NPDES – National Pollutant Discharge Elimination System
NRC – National Response Center
NRHP – National Register of Historic Places
NSPS – New Source Performance Standard
NTU – Nephelometric Turbidity Unit
OMB – U. S. Office of Management and Budget
ORW – Outstanding Resource Water
OSM – U. S. Office of Surface Mining
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
RQ – Reportable Quantity
SARA – Superfund Amendments and Reauthorization Act
SDS – Safety Data Sheet
SHPO – State Historic Preservation Office

SIC – Standard Industrial Classification
SMCRA – Surface Mining Control and Reclamation Act
SPCC – Spill Prevention, Control, and Countermeasures
SWPPP – Stormwater Pollution Prevention Plan
TMDL – Total Maximum Daily Load
TPDES – Territorial Pollutant Discharge Elimination System
TSDF – Treatment, Storage, or Disposal Facility
TSS – Total Suspended Solids
USGS – United States Geological Survey
VIDPNR – Virgin Islands Department of Planning and Natural Resources
VIWPCA – Virgin Islands Water Pollution Control Act
WLA – Wasteload Allocation
WQS – Water Quality Standard

Appendix B. Standard Permit Conditions

Appendix B. Standard Permit Conditions.

Standard permit conditions in Appendix B are consistent with the general permit provisions required under 12 VIRR §184-51 and 40 CFR 122.41.

1. Duty to comply. [12 VIRR 184-51(a), 40 CFR 122.41 (a)(1)] The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Clean Water Act and the Act [12 V.I.C. 181 et seq.] and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.
 - a. If the permittee fails or refuses to comply with an interim or final requirement in a TPDES permit, such noncompliance shall constitute a violation of the permit for which the Commissioner may modify, revoke and reissue, or terminate the permit or take direct enforcement action pursuant to law. When, at any time during or prior to a period for compliance, the permittee states or otherwise lets it be known, or the Commissioner on reasonable cause determines, that the permittee will not make the requisite efforts to achieve compliance with an interim or final requirement, the Commissioner may modify, revoke and reissue, or terminate the permit without waiting for expiration of the period for compliance with such requirement.
 - b. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
 - c. The permittee shall comply with such other terms, provisions, requirements, or conditions as may be necessary to meet the requirements of the Act [12 V.I.C. 181 et seq.], 12 V.I.C. 184, or the FWPCA.
2. Duty to reapply. [12 VIRR 184-51(b)]
 - a. If the permittee wishes to continue an activity regulated by a TPDES permit after the expiration date of the permit, the permittee must apply for and obtain a new permit.
 - b. Any permittee who intends to continue to discharge beyond the period of time covered in his TPDES permit must file for reissuance of his permit at least 180 days prior to its expiration. Filing for reissuance shall be made by the permittee on forms authorized by the Commissioner.

3. Need to halt or reduce activity not a defense. [12 VIRR 184-51(c)] It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
4. Duty to mitigate. [12 VIRR 184-51(d), 40 CFR 122.41(d)] The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of the permit which has a reasonable likelihood of adversely affecting human health or the environment only when the operation is necessary to achieve compliance with the conditions of the permit.
5. Proper operation and maintenance. [12 VIRR 184-51(e)] The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
6. Permit actions. [12 VIRR 184-51(f)] After notice and opportunity for a hearing, the permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
7. Property rights. [[12 VIRR 184-51(g)] The permit does not convey any property rights of any sort, or any exclusive privilege.
8. Duty to provide information. [12 VIRR 184-51(h)]
 - a. The permittee shall furnish to the Commissioner, within a reasonable time, any information which the Commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The permittee shall also furnish to the Commissioner, upon request, copies of records required to be kept by the permit.
 - b. Every permittee under this subchapter shall file such other information at such times and in such form as the Department may reasonably require to achieve the purposes of the Act [12 V.I.C. 181 et seq.] or the FWPCA.
9. Inspection and entry. [12 VIRR 184-51(i)] The permittee shall allow the Commissioner, employees of the Department, employees of the EPA, or an authorized representative (including an authorized contractor acting as a representative of the Commissioner), upon presentation of credentials and other

documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit or Territorial law;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Act [12 V.I.C. 181 et seq.], any substances or parameters at any location.

10. Monitoring and records. [12 VIRR 184-51(j) and 184-63, 40 CFR 122.41(j)(2)]

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Each effluent flow or pollutant required to be monitored shall be monitored at intervals to be determined by the Department as sufficiently frequent to yield data which reasonably characterize the nature of the discharge of the monitored flow or pollutant. Variable effluent flows and pollutant levels may be required to be monitored at more frequent intervals than relatively constant effluent flows and pollutant levels, which may be required to be monitored at less frequent intervals.
- c. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the TPDES permit, and records of all data used to complete the application for the TPDES permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended during the course of any unresolved litigation or other proceedings regarding the discharge of pollutants by the permittee or at any time when requested by the Department or Regional Administrator.
- d. Records of monitoring information shall include for all samples and measurements:

- i. The date, exact place, and time of sampling or measurements;
 - ii. The individual(s) who performed the sampling or measurements;
 - iii. The date(s) analyses were performed;
 - iv. The individual(s) who performed the analyses; result in noncompliance with permit requirements.
 - v. The analytical techniques or methods used; and
 - vi. The results of such analyses.
- e. Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.
- f. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the permit shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of each person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
- g. Any discharge authorized by a TPDES permit may be subject to such monitoring requirements as may be reasonably required by the Department, including the installation, use, and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods).
- h. The permittee shall monitor each discharge for at least the following:
 - i. Flow (in gallons per day); and
 - ii. All of the following pollutants (upon notification to the permittee):
 1. Pollutants (measured either directly or indirectly through the use of accepted correlation coefficients or equivalent measurements) which are subject to reduction or elimination under the provisions of the permit;
 2. Pollutants which the Commissioner finds, on the basis of information available to him, could have a significant impact on the quality of the waters of the Territory;
 3. Pollutants specified by the Administrator, in regulations issued pursuant to the Act [12 VIC 181 et seq.], as subject to monitoring; and
 4. Any pollutants in addition to the above which the Regional Administrator requests, in writing, be monitored.
- i. The permittee shall comply with all recording, reporting, monitoring and sampling requirements under the Act [12 VIC 181 et seq.], this subchapter

or the FWPCA.

11. Signatory requirement. [12 VIRR 184-51(k)]

- a. All applications, reports, or information submitted to the Commissioner shall be signed and certified. (See Section 184-32)
- b. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under the permit, including monitoring reports or reports of compliance or non-compliance shall upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

12. Reporting requirements. [12 VIRR 184-51(l), 40 CFR 122.41(l)(1)(iii) and (4)(i) and (ii)]

- a. Planned changes. The permittee shall give notice giving full particulars to the Department as soon as possible of any planned physical alterations, production increases, process modifications, or additions to the permitted facility. Notice is required only when:
 - i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section 184-52(a)(1).
 - iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- b. Anticipated noncompliance. The permittee shall give advance notice to the Commissioner of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c. Transfers. The permit is not transferable to any person except after notice to the Commissioner. The Commissioner may require modification or

revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act or the Act [12 V.I.C. § 181 et seq.]. (See Section 184-71; in some cases, modification or revocation and reissuance is mandatory.)

- d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in the TPDES permit.
 - i. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
 - ii. Every permittee under this subchapter shall file such other information at such times and in such form as the Department may reasonably require to achieve the purposes of the Act [12 V.I.C. 181 et seq.] or the FWPCA.
 - iii. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
 - iv. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Commissioner in the permit.
- e. Compliance schedules. Written reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date.
- f. Twenty-four hour reporting.
 - i. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 - ii. The following shall be included as information which must be reported within 24 hours under this paragraph.
 1. Any unanticipated bypass which exceeds any effluent

- limitation in the permit. (See Section 184-51(m))
2. Any upset which exceeds any effluent limitation in the permit.
 3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Commissioner in the permit to be reported within 24 hours. (See Section 184-54(f))
- iii. The Commissioner may waive the written report on a case-by-case basis for reports under paragraph (12)(f)(ii) of this section if the oral report has been received within 24 hours.
- g. Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (12)(d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(f) of this section.
- h. Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Commissioner, it shall promptly submit such facts or information.

13. Bypass. [12 VIRR 184-51(m)]

- a. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(b) and (13)(c) of this section.
- b. Notice.
 - i. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
 - ii. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) of this section (24-hour notice).
- c. Prohibition of bypass.
 - i. Bypass is prohibited, and the Commissioner may take enforcement action against a permittee for bypass, unless:
 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not

mean economic loss caused by delays in production.);

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
3. The permittee submitted notices as required under paragraph (13)(b) of this section.

- ii. The Commissioner may approve an anticipated bypass, after considering its adverse effects, if the Commissioner determines that it will meet the three conditions listed above in paragraph (13)(c)(i) of this section.

14. Upset. [12 VIRR 184-51(n)]

- a. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(b) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- b. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - i. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - ii. The permitted facility was at the time being properly operated; and
 - iii. The permittee submitted notice of the upset as required in paragraph (12)(f)(ii)(2) of this section (24 hour notice).
 - iv. The permittee complied with any remedial measures required under paragraph (4) of this section.
- c. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

15. Other TPDES conditions. [12 VIRR 184-51(o)]

- a. All discharges authorized by the permit shall be consistent with the provisions of the permit.

- b. The discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by the permit shall constitute a violation of the provisions of the permit.
- c. The permit shall state that no construction of facilities covered in the permit shall occur except in accordance with plans approved in advance by the Department.

16. Penalties. [12 VIRR 184-51(p)]

- a. Civil Penalties. The Act [12 VIC 181 et seq.] provides any person who violates any provision of the Act, or of any permit, or limitation implementing any section of a permit, any permit filing requirement, any duty to allow or to perform an inspection or to allow the entry upon the premises of authorized persons, or any monitoring requirement, or any requirement imposed in a pretreatment program, rule, regulation, standard or order issued or promulgated hereunder, shall be subject to a civil penalty not to exceed \$50,000 per day of such violation.
- b. Criminal Penalties.
 - i. The Act [12 VIC 181 et seq.] provides any person who knowingly or negligently violates any provision of the Act, any rule or regulation promulgated hereunder, any order of the Commissioner or any permit or permit condition or limitation implementing any such sections in a permit issued under the Act, or any requirement imposed in a pretreatment program or in any other permit issued by the Commissioner pursuant to the requirements of this chapter, upon conviction shall be punished by a fine of not less than \$5,000 nor more than \$75,000 per day of violation, or by imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$100,000 per day of violation, or by imprisonment of not more than 6 years, or by both imprisonment and fine.
 - ii. The Act [12 VIC 181 et seq.] provides any person who knowingly or negligently introduces into a sewer system or into a publicly owned treatment works, any pollutant or hazardous substance that the person knew, or reasonably should have known could cause personal injury or property damage or who introduces into such treatment works a pollutant or hazardous substance, other than in compliance with all applicable laws, permits or requirements which causes the treatment works to violate any effluent limitation or condition in a permit issued to the treatment works, upon conviction shall be punished by a fine of not less than \$5,000 nor more than \$75,000 per day of violation, or by imprisonment for not more than 3 years, or both. If a conviction of a person is for a

violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$100,000 per day of violation, or by imprisonment of not more than 6 years, or by both imprisonment and fine.

17. Violations. [12 VIC 184-51(q)] Whenever, on the basis of any information available to him, the Commissioner has reason to believe that a violation of any provision of the Act, of these regulations, of any order of the Commissioner, any water quality standards, effluent limitations, or TPDES permit condition has occurred, the Commissioner may cause a written complaint and order for corrective action to be served upon the alleged violator(s) pursuant to 12 VIC 188(a)(1).

- a. Within 15 days after the date such complaint and order is served, any person or persons named therein may request in writing a hearing before the Commissioner pursuant to 12 VIC 188(b). Such request shall not act as a stay of enforcement of the Commissioner's order unless so ordered and directed by the Commissioner or by a court. On the basis of such hearing, the Commissioner shall continue such order in effect, revoke it, or modify it.
- b. In lieu of such order, the Commissioner may require that the alleged violator appear at a time and place specified in the notice and answer the charges specified in the complaint. The notice shall be delivered to the alleged violator or violators not less than 10 days before the time set for the hearing pursuant to 12 VIC 188.

18. Additional Conditions Applicable to Specified Categories of TPDES Permits

Existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Commissioner as soon as they know or have reason to believe that any activity has occurred or will occur that would:

- a. result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this permit, if that discharge will exceed the highest of any one of the following notification levels [12 VIC 184-52(a)(1)]:
 - i. 100 micrograms per liter ($\mu\text{g/L}$).
 - ii. 200 $\mu\text{g/L}$ for acrolein and acrylonitrile; 500 $\mu\text{g/L}$ for 2,4 dinitrophenol and 2 methyl 4,6 dinitrophenol; and 1 milligram per liter (mg/L) for antimony.
 - iii. Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - iv. The level established by the Commissioner in accordance with 184-54(e).

- b. result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this permit, if that discharge will exceed the highest of any one of the following notification levels [12 VIC 184-52(a)(2)]:
 - i. 500 µg/L.
 - ii. 1 milligram per liter (mg/L) for antimony.
 - iii. iv.Ten times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - iv. The level established by the Commissioner in accordance with 184-54(e).

19. Reopener Clause.

- a. Procedures for modification or revocation. Permit modification or revocation will be conducted according to 12 VIRR 184-74, 40 CFR §122.62, §122.63, §122.64 and §124.5.
- b. Water quality protection. If there is evidence indicating that the stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, you may be required to obtain an individual permit in accordance with Part 1.3.3 of this permit, or the permit may be modified to include different limitations and/or requirements.
- c. Timing of permit modification. VIDPNR may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines that may be promulgated in the course of the current permit cycle.

Appendix C. Activities Covered

Appendix C. Facilities and Activities Covered

Your permit eligibility is limited to discharges from facilities in the “sectors” of industrial activity summarized in Table C-1. These sector descriptions are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes. References to “sectors” in this permit (e.g., sector-specific monitoring requirements) refer to these groupings.

Table C-1. Sectors of Industrial Activity Covered by This Permit		
Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
SECTOR A: TIMBER PRODUCTS		
A1	2421	General Sawmills and Planing Mills
A2	2491	Wood Preserving
A3	2411	Log Storage and Handling
A4	2426	Hardwood Dimension and Flooring Mills
	2429	Special Product Sawmills, Not Elsewhere Classified
	2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood (see Sector W)
	2448	Wood Pallets and Skids
	2449	Wood Containers, Not Elsewhere Classified
	2451, 2452	Wood Buildings and Mobile Homes
	2493	Reconstituted Wood Products
	2499	Wood Products, Not Elsewhere Classified
	2441	Nailed and Lock Corner Wood Boxes and Shook
SECTOR B: PAPER AND ALLIED PRODUCTS		
B1	2631	Paperboard Mills
B2	2611	Pulp Mills
	2621	Paper Mills
	2652-2657	Paperboard Containers and Boxes
	2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes
SECTOR C: CHEMICALS AND ALLIED PRODUCTS		
C1	2873-2879	Agricultural Chemicals
C2	2812-2819	Industrial Inorganic Chemicals
C3	2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations
C4	2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass
C5	2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; in vitro and in vivo Diagnostic Substances; and Biological Products, Except Diagnostic Substances
	2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products

Table C-1. Sectors of Industrial Activity Covered by This Permit (Continued)		
Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
	2861-2869	Industrial Organic Chemicals
	2891-2899	Miscellaneous Chemical Products
	3952 (limited to list of inks and paints)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors
	2911	Petroleum Refining
SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS		
D1	2951, 2952	Asphalt Paving and Roofing Materials
D2	2992, 2999	Miscellaneous Products of Petroleum and Coal
SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS		
E1	3251-3259	Structural Clay Products
	3261-3269	Pottery and Related Products
E2	3271-3275	Concrete, Gypsum, and Plaster Products
E3	3211	Flat Glass
	3221, 3229	Glass and Glassware, Pressed or Blown
	3231	Glass Products Made of Purchased Glass
	3241	Hydraulic Cement
	3281	Cut Stone and Stone Products
3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products	
SECTOR F: PRIMARY METALS		
F1	3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
F2	3321-3325	Iron and Steel Foundries
F3	3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals
F4	3363-3369	Nonferrous Foundries (Castings)
F5	3331-3339	Primary Smelting and Refining of Nonferrous Metals
	3341	Secondary Smelting and Refining of Nonferrous Metals
	3398, 3399	Miscellaneous Primary Metal Products
SECTOR G: METAL MINING (ORE MINING AND DRESSING)		
G1	1021	Copper Ore and Mining Dressing Facilities
G2	1011	Iron Ores
	1021	Copper Ores
	1031	Lead and Zinc Ores
	1041, 1044	Gold and Silver Ores
	1061	Ferroalloy Ores, Except Vanadium
	1081	Metal Mining Services
1094, 1099	Miscellaneous Metal Ores	

Table C-1. Sectors of Industrial Activity Covered by This Permit (Continued)		
Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
SECTOR H: COAL MINES AND COAL MINING-RELATED FACILITIES		
H1	1221-1241	Coal Mines and Coal Mining-Related Facilities
SECTOR I: OIL AND GAS EXTRACTION AND REFINING		
I1	1311	Crude Petroleum and Natural Gas
	1321	Natural Gas Liquids
	1381-1389	Oil and Gas Field Services
SECTOR J: MINERAL MINING AND DRESSING		
J1	1442	Construction Sand and Gravel
	1446	Industrial Sand
J2	1411	Dimension Stone
	1422-1429	Crushed and Broken Stone, Including Rip Rap
	1481	Nonmetallic Minerals Services, Except Fuels
	1499	Miscellaneous Nonmetallic Minerals, Except Fuels
J3	1455, 1459	Clay, Ceramic, and Refractory Materials
	1474-1479	Chemical and Fertilizer Mineral Mining
SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES		
K1	HZ	Hazardous Waste Treatment, Storage, or Disposal Facilities, including those that are operating under interim status or a permit under subtitle C of RCRA
SECTOR L: LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS		
L1	LF	All Landfill, Land Application Sites and Open Dumps
L2	LF	All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60
SECTOR M: AUTOMOBILE SALVAGE YARDS		
M1	5015	Automobile Salvage Yards
SECTOR N: SCRAP RECYCLING FACILITIES		
N1	5093	Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling
N2	5093	Source-separated Recycling Facility
SECTOR O: STEAM ELECTRIC GENERATING FACILITIES		
O1	SE	Steam Electric Generating Facilities, including coal handling sites
SECTOR P: LAND TRANSPORTATION AND WAREHOUSING		
P1	4011, 4013	Railroad Transportation
	4111-4173	Local and Highway Passenger Transportation
	4212-4231	Motor Freight Transportation and Warehousing
	4311	United States Postal Service

Table C-1. Sectors of Industrial Activity Covered by This Permit (Continued)		
Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
	5171	Petroleum Bulk Stations and Terminals
SECTOR Q: WATER TRANSPORTATION		
Q1	4412-4499	Water Transportation Facilities
SECTOR R: SHIP AND BOAT BUILDING AND REPAIRING YARDS		
R1	3731, 3732	Ship and Boat Building or Repairing Yards
SECTOR S: AIR TRANSPORTATION FACILITIES		
S1	4512-4581	Air Transportation Facilities
SECTOR T: TREATMENT WORKS		
T1	TW	Treatment Works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 MGD or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA
SECTOR U: FOOD AND KINDRED PRODUCTS		
U1	2041-2048	Grain Mill Products
U2	2074-2079	Fats and Oils Products
U3	2011-2015	Meat Products
	2021-2026	Dairy Products
	2032-2038	Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties
	2051-2053	Bakery Products
	2061-2068	Sugar and Confectionery Products
	2082-2087	Beverages
	2091-2099	Miscellaneous Food Preparations and Kindred Products
	2111-2141	Tobacco Products
SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING; LEATHER AND LEATHER PRODUCTS		
V1	2211-2299	Textile Mill Products
	2311-2399	Apparel and Other Finished Products Made from Fabrics and Similar Materials
	3131-3199	Leather and Leather Products (note: see Sector Z1 for Leather Tanning and Finishing)
SECTOR W: FURNITURE AND FIXTURES		
W1	2434	Wood Kitchen Cabinets

Table C-1. Sectors of Industrial Activity Covered by This Permit (Continued)		
Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
	2511-2599	Furniture and Fixtures
SECTOR X: PRINTING AND PUBLISHING		
X1	2711-2796	Printing, Publishing, and Allied Industries
SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING INDUSTRIES		
Y1	3011	Tires and Inner Tubes
	3021	Rubber and Plastics Footwear
	3052, 3053	Gaskets, Packing and Sealing Devices, and Rubber and Plastic Hoses and Belting
	3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified
Y2	3081-3089	Miscellaneous Plastics Products
	3931	Musical Instruments
	3942-3949	Dolls, Toys, Games, and Sporting and Athletic Goods
	3951-3955 (except 3952 – see Sector C)	Pens, Pencils, and Other Artists' Materials
	3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
	3991-3999	Miscellaneous Manufacturing Industries
SECTOR Z: LEATHER TANNING AND FINISHING		
Z1	3111	Leather Tanning and Finishing
SECTOR AA: FABRICATED METAL PRODUCTS		
AA1	3411-3499 (except 3479)	Fabricated Metal Products, Except Machinery and Transportation Equipment, and Coating, Engraving, and Allied Services.
	3911-3915	Jewelry, Silverware, and Plated Ware
AA2	3479	Fabricated Metal Coating and Engraving
SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY		
AB1	3511-3599 (except 3571-3579)	Industrial and Commercial Machinery, Except Computer and Office Equipment (see Sector AC)
	3711-3799 (except 3731, 3732)	Transportation Equipment Except Ship and Boat Building and Repairing (see Sector R)
SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS		
AC1	3571-3579	Computer and Office Equipment
	3812-3873	Measuring, Analyzing, and Controlling Instruments; Photographic and Optical Goods, Watches, and Clocks
	3612-3699	Electronic and Electrical Equipment and Components, Except Computer Equipment

Table C-1. Sectors of Industrial Activity Covered by This Permit (Continued)		
Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code¹	Activity Represented
SECTOR AD: NON-CLASSIFIED FACILITIES		
AD1		Other stormwater discharges designated by the Commissioner as needing a permit (see 40 CFR 122.26(a)(9)(i)(C) & (D)) or any facility discharging stormwater associated with industrial activity not described by any of Sectors A-AC. NOTE: Facilities may not elect to be covered under Sector AD. Only the Commissioner may assign a facility to Sector AD.

¹ A complete list of SIC Codes (and conversions from the newer North American Industry Classification System” (NAICS)) can be obtained from the Internet at www.census.gov/epcd/www/naics.html or in paper form from various locations in the document titled Handbook of Standard Industrial Classifications, Office of Management and Budget, 1987.

Appendix D. Procedures Relating to Endangered Species Protection

Appendix D. Procedures Relating to Endangered Species Protection

D.1 Assessing the Effects of Your Discharge and Discharge-Related Activities

You must follow the procedures in this appendix to determine which of the eligibility criteria in Part 1.1.4.5 (i.e., criterion A - E), if any, you qualify under, by assessing the potential effects of applicable stormwater discharges, discharge-related activities, and allowable non-stormwater discharges on listed threatened and endangered species and their designated critical habitat. In accordance with Part 5.2.6.1 of this permit, you must keep any documentation that supports your eligibility determination, including the completed Criterion Selection Worksheet in Part D.4 of this appendix, with your Stormwater Pollution Prevention Plan (SWPPP). You must complete your eligibility determination prior to submitting your Notice of Intent (NOI) for coverage under the VI MSGP, and must provide all information as required on your NOI form that supports the Part 1.1.4.5 eligibility criterion you qualify under. **Note that if you have determined that you may be eligible under criterion C, you must submit a completed Criterion C Eligibility Form to VIDPNR a minimum of 30 days prior to submitting your NOI for permit coverage.**

When evaluating the potential effects of your activities, you must consider effects to listed species or critical habitats within the “action area” of your industrial activity. Action area is defined in Appendix A of the VI MSGP as all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. This includes areas beyond the footprint of the facility that are likely to be affected by stormwater discharges, discharge-related activities, and allowable non-stormwater discharges. For example, discharges of pollutants into downstream areas can increase the “action area” beyond the footprint of the facility.

D.2 Eligibility Criterion

As required by Part 1.1.4.5, you must meet one or more of the following five criteria (A - E) to be eligible for coverage under the permit:

Criterion A. No federally listed threatened or endangered species or their designated critical habitat(s) are likely to occur in the “action area” as defined in Appendix A. To certify your eligibility under this criterion, you must use the Criterion Selection Worksheet in Part D.4 of Appendix D. You must also provide a description of the basis for the criterion you selected on your NOI form and provide documentation supporting your eligibility determination in your SWPPP.

Criterion B. Your industrial activity’s discharges and discharge-related activities were already addressed in another operator’s valid certification of eligibility for your action area under this permit and there is no reason to believe that federally listed species or designated critical habitat not considered in the prior certification may be present or located in the “action area” (e.g., due

to a new species listing or critical habitat designation). To certify your eligibility under this criterion, you must use the Criterion Selection Worksheet in Part D.4 of Appendix D. There must be no lapse of NPDES permit coverage in the other operator's certification. You must also comply with any additional measures that formed the basis of the other operator's valid certification of eligibility to ensure that your discharges and discharge-related activities are protective of listed species and/or critical habitat. You must include in your NOI the NPDES ID (i.e., permit tracking number) assigned to the other operator's authorization under this permit, and a description of the basis for the criterion selected on your NOI form, including the eligibility criterion selected by the other operator's certification. You must also provide any documentation in your SWPPP that supports the other operator's eligibility determination, including any additional measures that formed the basis of the other operator's eligibility determination.

Criterion C. Federally and locally listed threatened or endangered species or their designated critical habitat(s) are likely to occur in or near your facility's "action area," and your industrial activity's discharges and discharge-related activities are not likely to adversely affect listed threatened or endangered species or critical habitat. To certify your eligibility under this criterion, you must use the Criterion Selection Worksheet in Part D.4 of Appendix E, including completion of the Criterion C Eligibility Form, which you must submit to VIDPNR at least 30 days prior to filing your NOI for permit coverage. After evaluation of your Criterion C Eligibility Form, VIDPNR may require additional measures that you must implement to avoid or eliminate likely adverse effects on listed species and critical habitat from discharges and discharge-related activities. You may submit your NOI for permit coverage 30 days after submitting to VIDPNR your completed Criterion C Eligibility Form. You must also provide a description of the basis for the criterion you selected on your NOI form and provide documentation supporting your eligibility determination in your SWPPP.

Criterion D. Consultation between a Federal Agency, VIDPNR and the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the Endangered Species Act (ESA) has been concluded. Consultations can be either formal or informal, and would have occurred only as a result of a separate federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit), and consultation must have addressed the effects of the industrial activity's discharges and discharge-related activities on all federally listed threatened or endangered species and federally designated critical habitat. The result of this consultation must be one of the following:

- i. A biological opinion that concludes that the action in question (taking into account the effects of your facility's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, or result in the destruction or adverse modification of critical habitat;
- ii. A biological opinion that concludes that the action is likely to jeopardize listed species or to result in the destruction or adverse modification of critical habitat, and any recommended reasonable and prudent alternatives or reasonable and prudent measures are being implemented; or
- iii. Written concurrence from the applicable Service(s) with a finding that your facility's discharges and discharge-related activities are not likely to adversely affect listed species or critical habitat.

To certify your eligibility under this criterion, you must use the Criterion Selection Worksheet in Part D.4 of Appendix D. You must verify that the consultation does not warrant reinitiation under 50 CFR §402.16. If reinitiation of consultation is required, in order to be eligible under this criterion you must ensure consultation is reinitiated and the result of the consultation must be consistent with (i), (ii), or (iii) above.

If eligible, you must also provide supporting documentation for your determination in your NOI and SWPPP, including the Biological Opinion (or PCTS tracking number) or concurrence letter.

Criterion E. Your industrial activities are the subject of a permit under section 10 of the ESA, and this authorization addresses the effects of your facility's discharges and discharge-related activities on federally listed species and designated critical habitat. To certify your eligibility under this criterion, you must use the Criterion Selection Worksheet in Part D.4 of Appendix D. You must also provide supporting documentation for your determination in your NOI and SWPPP, including a copy of the permit from the Services.

D.3 Eligibility Compliance

You must comply with any measures that formed the basis of your eligibility determination in Part 1.1.4.5 for the duration of your coverage under the VI MSGP in order to maintain your eligibility for coverage under the permit. These measures become permit requirements per Part 2.3. Documentation of these measures must be kept as part of your SWPPP (see Part 5.2.6.1).

D.4 Criterion Selection Worksheet

Instructions:

You must follow the step-by-step instructions in this worksheet in order to determine your eligibility under the Part 1.1.4.5 criteria. Alternatively, if you prefer to use a Biological Evaluation (or its equivalent) in making a determination of your eligibility, you should ensure all of the information requested below for the criterion you are selecting is fully addressed in such a document. You must attach this completed document or Biological Evaluation (or equivalent) to your SWPPP to support your Part 1.1.4.5 eligibility determination.

You may need the following information in order to determine your eligibility:

- 1) Your facility's draft Stormwater Pollution Prevention Plan (SWPPP), including information on receiving waters.
- 2) Any additional site-specific information related to your facility's discharges and discharge-related activities.
- 3) The list(s) of endangered and threatened species and any designated critical habitat in your action area, as acquired from the Fish and Wildlife Service and/or the National Marine Fisheries Services. Directions on how to acquire species lists is described in a subsequent section below.

Note that much of the information needed to complete this worksheet is also needed in order to prepare your NOI for permit coverage, and is also information that you must develop as part of your SWPPP. You may copy and paste any information that is already required and completed in your SWPPP into this worksheet. *(You may also decide to make minor changes or additions to your SWPPP while filling out the worksheet for clarification purposes or to address any concerns that are identified below.)*

STEP 1: DETERMINE IF THE ELIGIBILITY REQUIREMENTS OF CRITERION B, D, OR E CAN BE MET.

- A. You should first determine whether you are eligible under criterion B (because another operator has accounted for your action area in their valid certification of eligibility under the VI MSGP), criterion D (because of a previously completed ESA section 7 consultation), or criterion E (because of a previously issued ESA section 10 permit).
- B. If your facility is likely to be eligible under criterion B, D or E, you may skip ahead to the applicable criterion's requirements to determine if you are eligible. If after completing the relevant section you find that your facility does not in fact meet criteria B, D, or E (e.g., due to difference in action area described, lack of analysis of appropriate effects, new listings or designation of critical habitat), proceed to Step 2 below.

- C. If your facility is not likely to be eligible under criterion B, D or E, you may proceed directly to Step 2.

Criterion B Eligibility Requirements

If your industrial activities were already addressed in another operator's valid certification of eligibility under the current VI MSGP, you may be eligible for coverage under criterion B. In order to be eligible for coverage under criterion B, you must confirm that all the following are true:

- You have confirmed that the other operator's certification of eligibility accounted for your action area and that the eligibility determination was valid.
- There has been no lapse of TPDES permit coverage in the other operator's certification.
- You will comply with all measures that formed the basis of the other operator's valid certification of eligibility. List any measures here (or enter "N/A" if none exist):

- **If all of the above are true, you may select criterion B on your NOI.** You must include in your NOI the TPDES ID assigned to the other operator's authorization under this permit, and a description of the basis for the criterion selected on your NOI form, including the eligibility criterion selected by the other operator's certification. You must include this completed worksheet in your SWPPP.
- **If any of the above are not true, you may not select criterion B and must proceed to Step 2.** For example, if there are any listed species in your action area that were not addressed in the other operator's certification, you are not eligible under criterion B.

Criterion D Eligibility Requirements

If consultation under section 7 of the ESA has been concluded, you may be eligible for coverage under criterion D. In order to be eligible for coverage under criterion D, you must confirm that all the following are true:

A consultation between a federal agency, VIDPNR and the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the ESA has been concluded. Consultations can be either formal or informal, and would have occurred only as a result of a separate federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit), and the consultation must have addressed the effects of your industrial activity's discharges and discharge-related activities on all federally listed threatened or endangered species and all designated critical habitat in your action area. The result of this consultation must be either:

- i. A biological opinion that concludes that the action in question (taking into account the effects of your facility's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, or result in the destruction or adverse modification of critical habitat. The biological opinion must have included the effects of your facility's discharges and discharge-related activities on all the listed species and designated critical habitat in your action area;
- ii. A biological opinion that concludes that the action is likely to jeopardize listed species or to result in the destruction or adverse modification of critical habitat, and any recommended reasonable and prudent alternatives or reasonable and prudent measures are being implemented; or
- iii. Written concurrence (e.g., letter of concurrence) from the applicable Service(s) with a finding that concludes that your facility's discharges and discharge-related activities are not likely to adversely affect listed species or designated critical habitat. The concurrence letter must have included the effects of your facility's discharges and discharge-related activities on all the listed species and designated critical habitat on your species list(s) acquired from the Service(s) as part of this worksheet.

The consultation does not warrant reinitiation under 50 CFR §402.16; or, if reinitiation of consultation is required (e.g., due to a new species listing or critical habitat designation; new information), you have reinitiated the consultation and the result of the consultation is consistent with the statements above. Attach a copy of any reinitiation documentation from the Services or other consulting agency.

- **If all of the above are true, you may select criterion D on your NOI.** You must also provide a description of the basis for the criterion selected on your NOI form and you must include this completed worksheet in your SWPPP. In both your SWPPP and NOI you must also provide the Biological Opinion (or PCTS tracking

² Effects of discharge includes, but is not limited to, the analysis of the hydrological, chemical, and biological effects of the discharge on listed species, their prey, and their habitat, as well as critical habitat, where designated. For example, the effects analysis would have evaluated whether the various pollutants in the discharge (e.g., TSS, metals) would adversely affect listed species through exposure to the pollutants, or to their prey or habitat. Effects that look only at short-term effects unrelated to the stormwater discharge effects to listed species are not sufficient for these purposes.

number) or concurrence letter and any other documentation supporting your eligibility determination.

- **If any of the above are not true, you may not select criterion D and must proceed to Step 2.** For example, if the biological opinion or written concurrence did not include the effects of the discharge or discharge-related activities as described above (e.g., the previous consultation covered some but not all of the species or critical habitat in your action area as shown on your species list), or if the consultation is no longer valid (e.g., due to new species listings), you are not eligible under criterion D.

Criterion E Eligibility Requirements

If your industrial activities are the subject of a permit under section 10 of the ESA, and this authorization addresses the effects of your facility's discharges and discharge-related activities on federally listed species and designated critical habitat in your action area, you may be eligible for coverage under criterion E. In order to be eligible for coverage under criterion E, you must confirm that the following is true:

A permit has been issued under section 10 of the ESA. The permit authorization specifically addresses the effects of your facility's discharges and discharge-related activities (if applicable) on all federally-listed species and designated critical habitat in your action area.

- **If the above is true, you may select criterion E on your NOI.** You must also provide a description of the basis for the criterion selected on your NOI form and must include this completed worksheet in your SWPPP. In both your SWPPP and your NOI you must provide a copy of the section 10 permit issued by the Services.
- **If the above is not true, you may not select criterion E and must proceed to Step 2.** For example, if a permit has been issued under section 10 of the ESA, but the permit authorization did not address the effects of your facility's discharges and/or discharge-related activities on all federally-listed species and designated critical habitat in your action area, you are not eligible under criterion E, but you should attach a copy of the permit to the SWPPP for reference.

STEP 2: DETERMINE THE EXTENT OF YOUR ACTION AREA

You must determine whether species listed as either threatened or endangered, or their critical habitat(s) (see definitions of these terms in Appendix A), are located in your facility's action area (i.e., all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action, including areas beyond the footprint of the facility that are likely to be affected by stormwater discharges, discharge-related activities, and allowable non-stormwater discharges). Consider the following in determining the action area for your facility:

- Discharges of pollutants into downstream areas can expand the action area well beyond the footprint of your facility and the discharge point(s). Take into account the controls you will be implementing to minimize pollutants and the receiving waterbody characteristics (e.g., perennial, intermittent, ephemeral) in determining the extent of physical, chemical, and/or biotic effects of the discharges. All receiving waterbodies that could receive pollutants from your facility must be included in your action area.
- Discharge-related activities must also be accounted for in determining your action area. Discharge-related activities are any activities that cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction, and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged. For example, any new or modified stormwater controls that will have noise or other similar effects, and any disturbances associated with construction of controls, are part of your action area.

If you have any questions about determining the extent of your action area, you may contact VIDPNR or the Services for assistance.

You must include a map **and a written description of** the action area of your facility in Attachment 1 of this appendix. You may choose to include the map that is generated from the FWS' on-line mapping tool IPaC (*the Information, Planning, and Consultation System*) located at <http://ecos.fws.gov/ipac/> (see Step 3 for information about using this tool).

You must proceed to Step 3 below.

STEP 3: DETERMINE IF LISTED THREATENED OR ENDANGERED SPECIES AND/OR CRITICAL HABITAT ARE PRESENT IN YOUR ACTION AREA.

You must determine whether species listed as either threatened or endangered under the Endangered Species Act (ESA), and/or their designated critical habitat(s)³, are located in your facility's action area. Federally and locally listed species and designated critical habitat are under the purview of VIDPNR Division of Fish & Wildlife, the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) (together, "Services"), and in many cases, species and critical habitat lists will need to be acquired from both Services.

- For NMFS species and critical habitat information, use the following webpages, which provide up-to-date information on listed species (<http://www.nmfs.noaa.gov/pr/species/esa/>) and critical habitat (<http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm>). To determine the field

³ See definitions of these terms in Appendix A of the VI MSGP.

office that corresponds to your facility, go to <http://www.nmfs.noaa.gov/> (under the left tab for “Regions”). For NMFS species in the Greater Atlantic Region, go to <http://www.greateratlantic.fisheries.noaa.gov/protected/section7/guidance/maps/index.html>.

- For FWS species information, use the on-line mapping tool IPaC (the *Information, Planning, and Consultation System*) located at <http://ecos.fws.gov/ipac/>, and follow these steps:
 - Select Get Started.
 - Select Enter Project Location
 - Use an address, city name or other location to zoom into your project area
 - Use the zoom feature to see the entire extent of your action area on the screen.
 - Use one of the mapping features (e.g., Polygon or line feature) to draw your action.
 - ◆ For the aquatic portion of your action area, trace the waterbody(ies) with the tool to characterize your action area.
 - ◆ If your proposal will include any upland activities (i.e., discharge-related activities), or if there is some aspect of your discharge that would potentially result in effects to terrestrial species, include the corresponding upland areas within your action area.
 - ◆ When you are done, press *Continue*.
 - Select Request an Official Species List
 - Complete the fields on the Official Species List Request page, and include “(MSGP)” at the end of the project description. – For Classification, select “Water Quality Modification”.
 - ◆ Select the appropriate requesting agency/organization type (for most applicants, this should be “Other”).
 - Submit the request to acquire an Official Species List, which should show both listed species as well as any designated critical habitat that are present in the action area in the previous step.
 - *Note: If a link to an Official Species List is not available on the page, follow the web link of the office(s) indicated, or contact the office directly by mail or phone if a web link is not shown.*

The principle authority for critical habitat designations and associated requirements is found at 50 CFR Parts 17 and 226. See <http://www.access.gpo.gov>.

Attach a copy of the species and critical habitat list(s) from the Service(s) to Attachment 2 of this appendix and use the list(s) to complete the rest of this worksheet. For FWS species, include the full printout from your IPaC query/Official Species List in Attachment 2. You can include the map from your IPaC query in Attachment 1.

If after following the steps you have determined that there are no listed species and/or designated critical habitat in your action area, you may be eligible for coverage under criterion A.

If you have determined that there are or may be listed species and/or designated critical habitat in your action area, you are not eligible under criterion A and must proceed to Step 4 below.

Criterion A Eligibility Requirements

In order to be eligible for coverage under criterion A, you must confirm that the following is true:

I have confirmed there to be no listed species and no critical habitat in my action area.

- **If the above is true, you may select criterion A on your NOI form.** You must also provide a description of the basis for the criterion selected on your NOI form. You must include this completed worksheet in your SWPPP. *Note: If your Official Species List from the USFWS indicated no species or critical habitat were present in your action area, include the full consultation tracking code at the top of your Official Species List in your NOI submittal in the question "Provide a brief summary of the basis for the criterion selected in Appendix D." If an Official Species List was not available on IPaC, list the contact date and name of the Service staff with whom you corresponded to verify no USFWS species or critical habitat were present in your action area.*

- If the above is not true, you may not select criterion A and must proceed to **Step 4** to determine if you can become eligible under criterion C.

Note: For existing dischargers that have previously obtained coverage under criterion A, you must verify whether listed species and/or critical habitat are expected to exist in your action area, as described above. Please note that if you now find that your action area overlaps with listed species or critical habitat, you must proceed to Step 4.

STEP 4: DETERMINE IF YOUR INDUSTRIAL FACILITY'S DISCHARGES OR DISCHARGE-RELATED ACTIVITIES ARE LIKELY TO ADVERSELY AFFECT LISTED THREATENED OR ENDANGERED SPECIES OR DESIGNATED CRITICAL HABITAT AND ANY MEASURES THAT MUST BE IMPLEMENTED TO AVOID ADVERSE EFFECTS

If in Step 3 you determined that listed species and/or designated critical habitat could exist in your action area, you must next assess whether your discharges and discharge-related activities are likely to adversely affect listed threatened or endangered species or designated critical habitat, and whether any additional measures are necessary to ensure no likely adverse effects. In order to make a determination of your facility's likelihood of adverse effects, you must complete the attached Criterion C Eligibility Form and must submit this form to VIDPNR a minimum of 30 days prior to filing your NOI for permit coverage. After you submit your Criterion C Eligibility Form, you may be contacted by

VIDPNR with additional measures that you must implement in order to ensure your eligibility under criterion C.

CRITERION C ELEGIBILITY FORM

Criterion C Eligibility Form

Instructions:

In order to be eligible for coverage under criterion C, you must complete the following form and you must submit it to VIDPNR following the instructions in Section VII a **minimum of 30 days prior to filing your NOI for permit coverage**. After you submit your form, you may be contacted by VIDPNR with additional measures (e.g., additional stormwater controls or modifications to your discharge-related activities) that you must implement in order to ensure your eligibility under criterion C.

If after completing this worksheet you cannot make a determination that your discharges and discharge-related activities are not likely to adversely affect listed threatened or endangered species or designated critical habitat, you must submit this completed worksheet to VIDPNR, and you may not file your NOI for permit coverage until you receive a determination from VIDPNR that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat.

Note: Much of the information needed for this form can be obtained from your draft SWPPP which will be needed when you file your NOI.

SECTION I. OPERATOR, FACILITY, AND SITE LOCATION INFORMATION.

1) Operator Information

- a) **Operator Name:** _____
- b) **Point of Contact**

 First Name: _____ **Last Name:** _____

 Phone Number: _____ **E-mail:** _____

2) Facility Information

- a) **Facility Name:** _____
- b) **Check which of the following applies:**
 - I am seeking coverage under the VI MSGP as a new discharger or as a new source
 - I am seeking coverage under the VI MSGP as an existing discharger and my facility has modifications to its discharge characteristics (e.g., changes in discharge flow or area drained, different pollutants) and/or discharge-related activities (e.g., stormwater controls)

Indicate the number of years the facility has been in operation: _____ years

Provide your TPDES permit tracking number from your previous VI MSGP coverage: _____

I am seeking coverage under the VI MSGP as an existing discharger and there are no modifications to my facility.

Indicate the number of year the facility has been in operation: _____ years

Provide your TPDES permit tracking number from your previous VI MSGP coverage: _____

c) Facility Address:

Address 1: _____

Address 2: _____

City: _____ State: _____ Zip Code: _____

d) Identify the primary industrial sector to be covered under the VI MSGP:

SIC Code _____ or Primary Activity Code _____

Sector _____ and Subsector _____

e) Identify the sectors of any co-located activities to be covered under the VI MSGP:

Sector _____ Subsector _____

f) Estimated area of industrial activity exposed to stormwater: _____ acres

g) Provide a general description of the industrial activities that are taking place at this facility:

3) Receiving Waters Information

List all the stormwater outfalls from your facility. For each outfall, provide the following receiving				List all the stormwater outfalls from your facility. For each outfall, provide the following receiving	
Outfall ID	Design Capacity (if known)	Latitude (decimal degrees)	Longitude (decimal degrees)	Name of the receiving water that receives stormwater from the outfall and/or from the MS4 that the outfall discharges to	Type of Waterbody (e.g., lake, pond, river/stream/creek, estuarine/marine water)

SECTION II. ACTION AREA

Ensure that your action area is described in Attachment 1, as required in Step 2.

SECTION III. LISTED SPECIES AND CRITICAL HABITAT LIST

Ensure that the listed species and critical habitat list is included in Attachment 2, as required in Step 3.

Review your species list in Attachment 2, choose one of the following three statements, and follow the corresponding instructions:

The species list includes only terrestrial species and/or their designated critical habitat. No aquatic or aquatic dependent species or their critical habitat are present in the action area. **You may skip to Section IV of this form. You are not required to fill out Section V.**

The species list includes only aquatic and/or aquatic dependent species and/or their designated critical habitat. No terrestrial species or their critical habitat are present in the action area. **You may skip to Section V of this form and are not required to fill out Section IV.**

The species list includes both terrestrial and aquatic or aquatic-dependent species and/or their designated critical habitat. **You must fill out both Sections IV and V of this form.**

Note: For the purposes of this permit, "terrestrial species" would not include animal or plant species that 1) spends any portion of its life cycle in a waterbody or wetland, or 2) if an animal, depends on prey or habitat that occurs in a waterbody or wetland. For example, shorebirds, wading birds, amphibians, and certain reptiles would not be considered terrestrial species under this definition. Please also be aware that some terrestrial animals (e.g., certain insects, amphibians) may have an aquatic egg or larval/juvenile phase.

SECTION IV. EVALUATION OF DISCHARGE-RELATED ACTIVITIES EFFECTS

Note: You are only required to fill out this section if your facility's action area contains terrestrial species and/or their designated critical habitat. If your action area only contains aquatic and/or aquatic-dependent species and/or their designated critical habitat, you can skip directly to Section V.

Most of the potential effects related to coverage under the VI MSGP are assumed to occur to aquatic and/or aquatic-dependent species. However, in some cases, potential effects to terrestrial species and/or their critical habitat should be considered as well from any discharge-related activities that occur during coverage under the VI MSGP. Examples of discharge-related activities that could have potential effects on listed terrestrial species or their critical habitat include the storage of materials and land disturbances associated with stormwater management-related activities (e.g., the installation or placement of stormwater control measures).

A. Select the applicable statement(s) below and follow the corresponding instructions:

There are no discharge-related activities that are planned to occur during my coverage under the VI MSGP. You can conclude that your discharge-related activities will have no likely adverse effects, and:

- If there are any aquatic or aquatic-dependent species and/or their critical habitat in your action area, you must skip to Section V, *Evaluation of Discharge Effects*, below.

- If there are no aquatic or aquatic-dependent species you may skip to Section VI and verify that your activities will have no likely adverse effects. You must submit this form to VIDPNR as specified in Section VII of this form. You may select criterion C on your NOI form and may submit your NOI for permit coverage 30 days after you have submitted this *Criterion C Eligibility Form*. You must also provide a description of the basis for the criterion you selected on your NOI form, **including the species and critical habitat list(s) in your action area**, as well as any other documentation supporting your eligibility. You must also include this completed *Criterion C Eligibility Form* in your SWPPP.

There are discharge-related activities planned as part of the proposal. Describe your discharge related activities in the following box and continue to (b) below.

Describe discharge-related activities:



B. In order to ensure any discharge-related activities will have no likely adverse effects on listed species and/or their designated critical habitat, you must certify that all the following are true:

Discharge-related activities will occur:

- on previously cleared/developed areas of the site where maintenance and operation of the facility are currently occurring or where existing conditions of the area(s) in which the discharge-related activities will occur precludes its use by listed species (e.g., work on existing impervious surfaces, work occurring inside buildings, area is not used by species), and
- if discharge-related activities will include the establishment of structures (including, but not limited to, infiltration ponds and other controls) or any related disturbances, these structures and/or disturbances will be sited in areas that will not result in isolation or degradation of nesting, breeding, or foraging habitat or other habitat functions for listed animal species (or their designated critical habitat), and will avoid the destruction of native vegetation (including listed plant species).

If vegetation removal (e.g., brush clearing) or other similar activities will occur, no terrestrial listed species that use these areas for habitat would be expected to be present during vegetation removal.

If all the above are true, you can conclude that your discharge-related activities will have no likely adverse effects, and:

- If there are any aquatic or aquatic-dependent species and/or critical habitat in your action area, you must skip to Section V, *Evaluation of Discharge Effects*, below.
- If there are no aquatic or aquatic-dependent species you may skip to Section VI and verify that your activities will have no likely adverse effects. You must submit this form to VIDPNR as specified in Section VII of this form. You may select criterion C on your NOI and may submit your NOI for permit coverage 30 days after you have submitted this completed form. You must also provide a description of the basis for the criterion you selected on your NOI form, **including the species and critical habitat list(s)**, and any other documentation supporting your eligibility. You must also include this completed *Criterion C Eligibility Form* in your SWPPP.
- **If any of the above are not true**, you cannot conclude that your discharge-related activities will have no likely adverse effects. You must complete the rest of this form (if applicable), and must submit the form to VIDPNR for assistance in determining your eligibility for coverage.

SECTION V. EVALUATION OF DISCHARGE EFFECTS

Note: You are only required to fill out this section if your facility's action area includes aquatic and/or aquatic-dependent species and/or their critical habitat.

In this section, you will evaluate the likelihood of adverse effects from your facility's discharges. The scope of effects to consider will vary with each facility and species/critical habitat characteristics. The following are examples of discharge effects you should consider:

- *Hydrological Effects.* Stormwater discharges may adversely affect receiving waters from pollutant parameters such as turbidity, temperature, salinity, or pH. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.
- *Toxicity of Pollutants.* Pollutants in stormwater may have toxic effects on listed species and may adversely affect critical habitat. Exceedances of benchmarks, effluent limitation guidelines, or state or tribal water quality requirements may be indicative of potential adverse effects on listed species or critical habitat. However, some listed species may be adversely affected at pollutant concentrations below benchmarks, effluent limitation guidelines, and state or tribal water quality standards. In addition, stormwater pollutants identified in Part 5.2.3.2 of your SWPPP, but not monitored as benchmarks or effluent limitation guidelines, may also adversely affect listed species and critical habitat.

As these effects are difficult to analyze for listed species, their prey, habitat, and designated critical habitat, this form helps you to analyze your discharges and make a determination of whether your discharges will have likely adverse effects and whether there are any additional controls you can implement to ensure no likely adverse effects.

A. Evaluation of Pollutants and Controls to Avoid Adverse Effects. In this section, you must document all of your pollutant sources and pollutants expected to be discharged in stormwater. You must also document the controls you will implement to avoid adverse effects on listed aquatic and aquatic-dependent species. You must include specific details about the expected effectiveness of the controls in avoiding adverse effects to the listed aquatic-and aquatic-dependent species. Attach additional pages if needed.

Potential Pollutant Source	Potential Pollutants	Controls to Avoid Adverse Effects on Listed Aquatic and Aquatic-Dependent Species. Include information supporting why the control(s) will ensure no adverse effects, including any data you have about the effectiveness of the control(s) in reducing pollutant concentrations. You may also attach photos of your controls to this form.
<i>e.g.,</i> ✦ vehicle and equipment fueling	<i>e.g.,</i> ✦ Oil & grease ✦ Diesel ✦ Gasoline ✦ TSS ✦ Antifreeze	<i>e.g.,</i> ✦ Fueling operators (including the transfer of fuel from tank trucks) will be conducted on an impervious or contained pad or under cover ✦ Drip pans will be used where leaks or spills of fuel can occur and where making and breaking hose connections ✦ Spill kit will be kept on-site in close proximity to potential spill areas ✦ Any spills will be cleaned-up immediately using dryclean up methods ✦ Stormwater runoff will be diverted around fueling areas using diversion dikes and curbing

Potential Pollutant Source	Potential Pollutants	Controls to Avoid Adverse Effects on Listed Aquatic and Aquatic-Dependent Species. Include information supporting why the control(s) will ensure no adverse effects, including any data you have about the effectiveness of the control(s) in reducing pollutant concentrations. You may also attach photos of your controls to this form.
<input type="checkbox"/> Check if you are not able to make a preliminary determination that any of your pollutants will be controlled to a level necessary to avoid adverse effects on aquatic and/or aquatic-dependent listed species and their designated critical habitat. You must check in Section VI that you are unable to make a determination of no likely adverse effects, and must complete the rest of the form. You must submit your completed form to VIDPNR for assistance in determining your eligibility for coverage.		

B. Analysis of Effects Based on Past Monitoring Data. Select which of the following applies to your facility:

I have no previous monitoring data for my facility because there are no applicable monitoring requirements for my facility's sector(s).

I have no previous monitoring data for my facility because I am a new discharger or a new source, but I am subject to monitoring under the 2017 VI MSGP. You must provide information to support a conclusion that your facility's discharges are not expected to result in benchmark or numeric effluent limit exceedances that will adversely affect listed species or their critical habitat:

My facility has not had any exceedances under the 2012 VI MSGP of any required benchmark(s) or numeric effluent limits.

My facility has had exceedances of one or more benchmark(s) or numeric effluent limits under the 2012 VI MSGP, but I have addressed them during my coverage under the 2012 VI MSGP, or in my evaluation of controls to avoid adverse effects in (A) above. Describe all actions (including specific controls) that you will implement to ensure that the pollutants in your discharge(s) will not result in likely adverse effects from future exceedances.

Check if your facility has had exceedances of one or more benchmarks or numeric effluent limits under the 2012 VI MSGP and you have not been able to address them to avoid adverse effects from future exceedances, or if you are a new discharger or a new source but you are not sure if you can avoid adverse effects from possible exceedances. You must check in Section VI that you are unable to make a determination of no likely adverse effects. You must submit your completed form to VIDPNR for assistance in determining your eligibility for coverage. You may not file your NOI for permit coverage until you are able to make a determination that your discharges will avoid adverse effects on listed species and designated critical habitat.

SECTION VI VERIFICATION OF PRELIMINARY EFFECTS DETERMINATION
Based on Steps I – V of this form, you must verify your preliminary determination of effects on listed species and designated critical habitat from your discharges and/or discharge-related activities:

Following the applicable Steps in I – V above, I have made a preliminary determination that my discharges and/or discharge-related activities are not likely to adversely affect listed species and designated critical habitats.

Following the applicable Steps in I – V above, I am **not** able to make a preliminary determination that my discharges and/or discharge-related activities are not likely to adversely affect listed species and designated critical habitats.

Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

First & Last Name: _____

Title: _____

Signature: _____ Date: _____

E-mail: _____

SECTION VII CRITERION C ELIGIBILITY FORM SUBMISSION INSTRUCTIONS

You must submit this completed form to VIDPNR either via email or regular mail, including any attachments and any additional information that demonstrates how you will avoid or eliminate adverse effects to listed species or critical habitat (e.g., specific controls you will implement to avoid or eliminate adverse effects). **Any missing or incomplete information may result in a delay of your coverage under the permit.**

If you have made a preliminary determination that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat, this form must be submitted a minimum of 30 days prior to submitting your NOI for permit coverage under criterion C. Please note that during either the 30-day *Criterion C Eligibility Form* review period prior to your NOI submission, or within 30 days after your NOI submission and before you have been authorized for permit coverage, VIDPNR may advise you that additional information is needed, or that there are additional measures you must implement to avoid likely adverse effects.

If you are unable to make a preliminary determination that your discharges and/or discharge related activities are not likely to adversely affect listed species and critical habitat, this worksheet must be submitted to VIDPNR, but you may not file your NOI for permit coverage until you have received a determination from VIDPNR that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat.

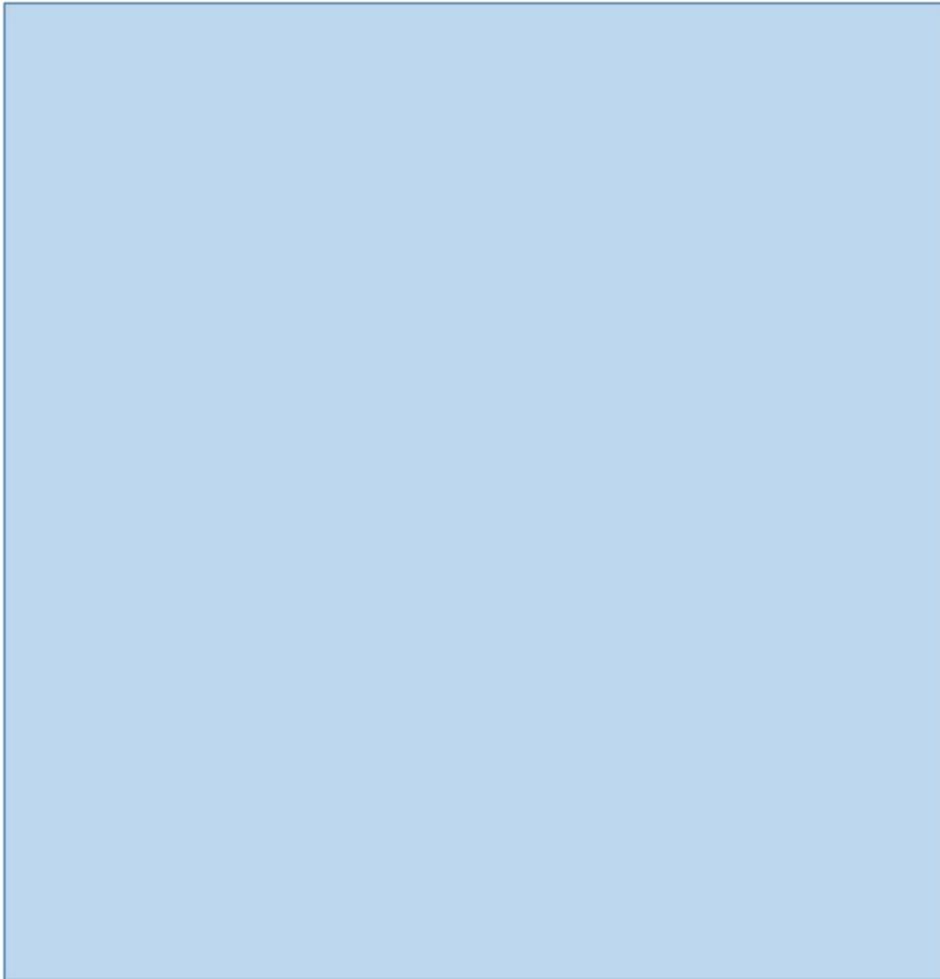
Attachment 1

Include a map **and a written description** of the action area of your facility, as required in [Step 2](#). You may choose to include the map that is generated from the FWS' on-line mapping tool IPaC (the *Information, Planning, and Consultation System*) located at <http://ecos.fws.gov/ipac/>.

The written description of your action area that accompanies your action area map must explain your rationale for the extent of the action area drawn on your map. For example, your action area written description may look something like this:

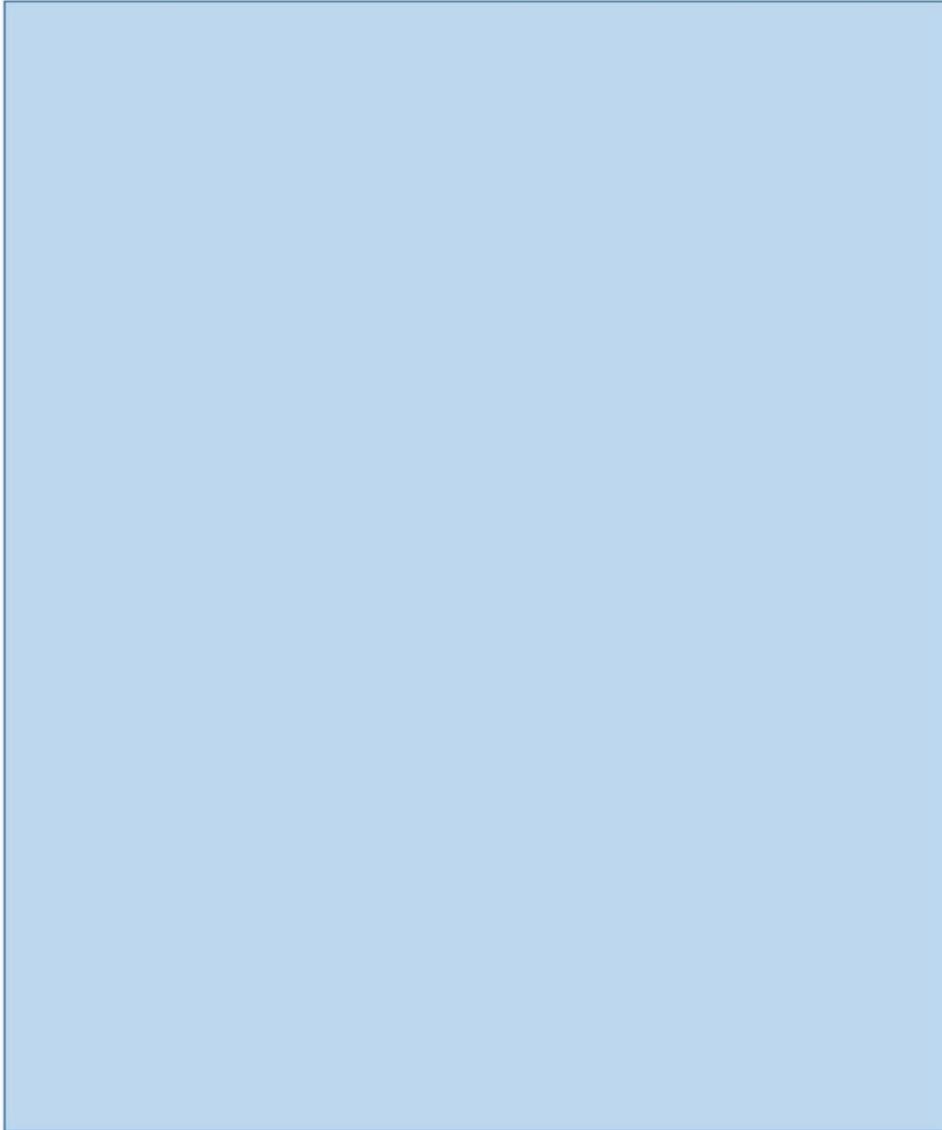
The action area for the (name of your facility)'s stormwater discharges extends downstream from the outfall(s) in (name of receiving waterbody) (# of meters/feet/kilometers/miles). The downstream limit of the action area reflects the approximate distance at which the discharge waters and any pollutants would be expected to cause potential adverse effects to listed species and/or critical habitat because (insert rationale). The action area does/does not extend to the (name of receiving waterbody)'s confluence with (name of confluence waterbody) because (insert rationale).

Note that your action area written description will be highly site-specific, depending on the expected effects of your facility's discharges and discharge-related activities, receiving waterbody characteristics, etc.



Attachment 2

List or attach the listed species and critical habitat in your action area on this sheet, as required in [Step 3](#). You must include a list for applicable listed NMFS and FWS species and critical habitat. If there are listed species and/or critical habitat for only one Service, you must include a statement confirming there are no listed species and/or critical habitat for the other Service. For FWS species, include the full printout from your IPaC query. *Note: If your Official Species List from the USFWS indicated no species or critical habitat were present in your action area, include the full consultation tracking code at the top of your Official Species List in your NOI submittal in the question "Provide a brief summary of the basis for the criterion selected in Appendix D." If an Official Species List was not available on IPaC, list the contact date and name of the Service staff with whom you corresponded to identify the existence of any USFWS species or critical habitat present in your action area.*



Appendix E. Procedures Relating to Historic Properties Preservation

Appendix E – Procedures Relating to Historic Properties Preservation

E.1 Background

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of Federal “undertakings”, such as the issuance of this permit, on historic properties that are either listed or eligible for listing on the National Register of Historic Places. To address any issues relating to historic properties in connection with the issuance of this permit, VIDPNR has developed the screening process in this appendix that enables facility operators to appropriately consider the potential impacts, if any, from the installation of stormwater controls that involve subsurface disturbance, on historic properties and to determine whether actions can be taken, if applicable, to mitigate any such impacts. Although the coverage of individual industrial facilities under this permit does not constitute separate Federal undertakings, the screening process in this appendix provides an appropriate site-specific means of addressing historic property issues in connection with VIDPNR’s issuance of the permit.

Before an operator is eligible for coverage under the VI MSGP (unless otherwise noted, all references to “eligible” or “eligibility” refer only to coverage under the VI MSGP), the operator must meet one of the certification criteria related to historic properties included in the permit. In the event an operator cannot meet any of the certification criteria included in the permit relating to historic properties, the operator must apply for an individual permit.

You must meet one or more of the four criteria (A-D), which are also included in Part 1.1.4.6, to be eligible for coverage under this permit.

Key Terms

Historic Property – Prehistoric or historic districts, sites, buildings, structures, or objects that are included in or eligible for inclusion in the National Register of Historic Places, including artifacts, records, and remains that are related to and located within such properties.

ACHP – Advisory Council on Historic Preservation; an independent Federal agency.

SHPO – The State Historic Preservation Officer for a particular state.

THPO or Authorized Tribal Representative – The Tribal Historic Preservation Officer for a particular Tribe, or if there is no THPO, the representative designated by such Tribe for NHPA purposes. Historic properties could have significance to more than one Indian tribe; therefore, all Indian tribes that attach religious and cultural significance to a historic property must be identified and included in the historic properties screening process.

Area of Potential Effects (APE) – The geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

Activities with No Potential to Have an Effect on Historic Properties

A determination that a Federal undertaking has no potential to have an effect on historic properties fulfills an agency’s obligations under the NHPA. VIDPNR has reason to believe that the vast majority of activities authorized under the VI MSGP have no potential to have effects on historic properties. The purpose of this permit is to control pollutants that may be transported in stormwater runoff from industrial facilities. VIDPNR does not anticipate effects on historic properties from the pollutants in the

stormwater and allowable non-stormwater discharges from these industrial facilities. Thus, to the extent VIDPNR's issuance of this general permit authorizes discharges of such constituents, confined to existing stormwater channels or natural drainage areas; the permitting action does not have the potential to cause effects on historic properties.

In addition, the overwhelming majority of sources covered under this permit will be facilities that are seeking renewal of previous permit coverage. These existing dischargers should have already addressed NHPA issues in the 2012 VI MSGP as they were required to certify that they were either not affecting historic properties or they had obtained written agreement from the applicable State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) regarding methods of mitigating potential impacts. Both existing and new dischargers must follow the historic property screening procedures to determine their eligibility. VIDPNR is not aware of any impacts on historic properties from activities covered under the 2012 VI MSGP, or, for that matter, any need for a written agreement. Therefore, to the extent this permit authorizes renewal of prior coverage without relevant changes in operations, it has no potential to have an effect on historic properties.

Activities with Potential to Have an Effect on Historic Properties

VIDPNR believes this permit may have some potential to have an effect on historic properties where permittees construct and/or install stormwater control measures that involve subsurface disturbance and impact less than one (1) acre of land to comply with this permit. (Ground disturbances of one (1) acre or more require coverage under a different permit, the VI Construction General Permit No. VIGSA0000.) Where you have to disturb the land through the construction and/or installation of control measures, there is a possibility that artifacts, records, or remains associated with historic properties could be impacted. Therefore, if you are establishing new or altering existing control measures to manage your stormwater that will involve subsurface ground disturbance of less than one (1) acre, you will need to ensure: (1) that historic properties will not be impacted by your activities or (2) that you have consulted with the appropriate SHPO, THPO, or other tribal representative regarding measures that would mitigate or prevent any adverse effects on historic properties.

Examples of Control Measures Which Involve Subsurface Disturbance

VIDPNR reviewed typical control measures currently employed to determine which practices involve some level of earth disturbance. The types of control measures that are presumptively expected to cause subsurface ground disturbance include:

- Dikes
- Berms
- Catch Basins
- Ponds
- Ditches
- Trenches

- Culverts
- Land manipulation: contouring, sloping, and grading
- Channels
- Perimeter Drains
- Swales

VIDPNR cautions dischargers that this list is non-inclusive. Other control measures that involve earth disturbing activities that are not on this list must also be examined for the potential to affect historic properties.

Historic Property Screening Process

You should follow the following screening process in order to certify your compliance with historic property eligibility requirements under this permit (see Part 1.1.4.6). The following four steps describe how applicants can meet the permit eligibility criteria for protection of historic properties under this permit:

Step One: *Are you an existing facility that is reapplying for certification under the 2017 VI MSGP?*

If you are an existing facility you should have already addressed NHPA issues. To gain coverage under the 2012 VI MSGP you were required to certify that you were either not affecting historic properties or had obtained written agreement from the relevant SHPO or THPO regarding methods of mitigating potential impacts. As long as you are not constructing or installing any new stormwater control measures then you have met eligibility Criterion A of the VI MSGP. After you submit your NOI, there is a 30-day waiting period during which the SHPO, THPO, or other tribal representative may review your NOI. The SHPO, THPO, or other tribal representative may request that VIDPNR hold up authorization based on concerns about potential adverse impacts to historic properties. VIDPNR will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

If you are an existing facility and will construct or install stormwater control measures that require subsurface disturbance of less than one (1) acre then you should proceed to Step Three. (Note: Construction activities disturbing one (1) acre or more are **not** eligible for coverage under this permit.)

If you are a new facility then you should proceed to Step Two.

Step Two: *Are you constructing or installing any stormwater control measures that require subsurface disturbance of less than one (1) acre?*

If, as part of your coverage under this permit, you are not building or installing control measures on your site that cause less than one (1) acre of subsurface disturbance, then your discharge-related activities do not have the potential to have an effect on historic properties. You have no further obligations relating to historic properties. You have met eligibility Criterion A of the VI MSGP. After you submit your NOI, there is a 30-day

waiting period during which the SHPO, THPO, or other tribal representative may review your NOI. The SHPO, THPO, or other tribal representative may request that VIDPNR hold up authorization based on concerns about potential adverse impacts to historic properties. VIDPNR will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

If the answer to the Step Two question is yes, then you should proceed to Step Three.

Step Three: *Have prior earth disturbances determined that historic properties do not exist, or have prior disturbances precluded the existence of historic properties?*

If previous construction either revealed the absence of historic properties or prior disturbances preclude the existence of historic properties, then you have no further obligations relating to historic properties. You have met eligibility Criterion B of the VI MSGP. After you submit your NOI, there is a 30-day waiting period during which the SHPO, THPO, or other tribal representative may review your NOI. The SHPO, THPO, or other tribal representative may request that VIDPNR hold up authorization based on concerns about potential adverse impacts to historic properties. VIDPNR will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

If the answer to the Step Three question is no, then you should proceed to Step Four.

Step Four: *Contact the appropriate historic preservation authorities*

Where you are building and/or installing control measures affecting less than one (1) acre of land to control stormwater or allowable non-stormwater discharges associated with this permit, and the answer to Step Three is no, then you should contact the relevant SHPO, THPO, or other tribal representative to determine the likelihood that artifacts, records, or remains are potentially present on your site. This may involve examining local records to determine if historic artifacts have been found in nearby areas, as well as limited surface and subsurface examination carried out by qualified professionals.

If through this process it is determined that such historic properties potentially exist and may be impacted by your construction or installation of control measures, you should contact the relevant SHPO, THPO, or tribal representative in writing and request to discuss mitigation or prevention of any adverse effects. The letter should describe your facility, the nature and location of subsurface disturbance activities that are contemplated, any known or suspected historic properties in the area, and any anticipated effects on such properties. The letter should state that if the SHPO, THPO, or tribal representative does not respond within 30 days of receiving your letter, you may submit your NOI without further consultation. VIDPNR encourages applicants to contact the appropriate authorities as soon as possible in the event of a potential adverse effect to an historic property.

If the SHPO, THPO, or tribal representative sent you a response within 30 days of receiving your letter and you enter into, and comply with, a written agreement with the SHPO, THPO, or other tribal representative regarding how to address any adverse impacts on historic properties, you have met eligibility Criterion C. In this case, you should retain a copy of the written agreement consistent with Part 5.1.6.2 of the VI MSGP. After you submit your NOI, there is a 30-day waiting period during which the SHPO, THPO, or other tribal representative may review your NOI. The SHPO, THPO, or other tribal representative may request that VIDPNR delay authorization based on concerns about potential adverse impacts to historic properties. However, VIDPNR would generally accept any written agreement as fully addressing such concerns unless new information was brought to the Agency's attention that was not considered in your previous discussions with the SHPO, THPO or other tribal representative.

If you receive a response within 30 days after the SHPO, THPO, or tribal representative received your letter and you consult with the SHPO, THPO or tribal representative regarding adverse impacts to historic properties and measures to mitigate them but an agreement cannot be reached between you and the SHPO, THPO, or other tribal representative, you have still met the eligibility for Criterion C. In this case you should include in your SWPPP a brief description of potential effects to historic properties, the consultation process, any measures you will adopt to address the potential adverse impacts, and any significant remaining disagreements between you and the SHPO, THPO or other tribal representative. After you submit your NOI, there is a 30day waiting period during which the SHPO, THPO, or other tribal representative may review your NOI. The SHPO, THPO, or other tribal representative may request that VIDPNR delay authorization based on concerns about potential adverse impacts to historic properties. VIDPNR will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

If you have contacted the SHPO, THPO, or tribal representative in writing regarding your potential to have an effect on historic properties and the SHPO, THPO, or tribal representative did not respond within 30 days of receiving your letter, you have met eligibility Criterion D. You are advised to get a receipt from the post office or other carrier confirming the date on which your letter was received. In this case, you should submit a copy of your letter notifying the SHPO, THPO or tribal representative of potential impacts with your NOI. After you submit your NOI, there is a 30-day waiting period during which the SHPO, THPO, or other tribal representative may review your NOI. The SHPO, THPO, or other tribal representative may request that VIDPNR hold up authorization based on concerns about potential adverse impacts to historic properties. VIDPNR will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

Addresses for State Historic Preservation Officers and Tribal Historic Preservation Officers may be found on the Advisory Council on Historic Preservation's website (www.achp.gov/programs.html).

Appendix F. Notice of Intent (NOI) Form

To obtain coverage under this permit, you must fill out and submit a copy of the Notice of Intent (NOI) in this Appendix to VIDPNR.

(A copy of the NOI form can be found online at the following website:

<http://dpr.vi.gov/environmental-protection/water-pollution-control-program/>)

Appendix G. Notice of Termination (NOT) Form

To terminate coverage under this permit, you must fill out and submit a copy of the Notice of Termination (NOT) in this Appendix to VIDPNR.

(A copy of the NOT form can be found online at the following website:

<http://dpr.vi.gov/environmental-protection/water-pollution-control-program/>)

Appendix H. Annual Reporting Form

As a Permittee, you must fill out and submit a copy of the Annual Reporting Form in this Appendix to VIDPNR.

(A copy of the Annual Reporting Form can be found online at the following website:
<http://dpr.vi.gov/environmental-protection/water-pollution-control-program/>)

**Appendix I. Calculating Hardness in Receiving Waters for Hardness
Dependent Metals**

Appendix I. Calculating Hardness in Receiving Waters for Hardness Dependent Metals

Overview

EPA adjusted the benchmarks for six hardness-dependent metals (i.e., cadmium, copper, lead, nickel, silver, and zinc) to further ensure compliance with water quality standards and provide additional protection for endangered species and their critical habitat. For any sectors required to conduct benchmark samples for a hardness-dependent metal, EPA includes ‘hardness ranges’ from which benchmark values are determined. To determine which hardness range to use, you must collect data on the hardness of your receiving water(s). Once the site-specific hardness data have been collected, the corresponding benchmark value for each metal is determined by comparing where the hardness data fall within 25 mg/L ranges, as shown in Table 1.

Table 1. *Hardness Ranges to Be Used to Determine Benchmark Values for Cadmium, Copper, Lead, Nickel, Silver, and Zinc.*

All Units mg/L	Benchmark Values (mg/L, total)					
	Cadmium	Copper	Lead	Nickel	Silver	Zinc
0-24.99 mg/L	0.0005	0.0038	0.014	0.15	0.0007	0.04
25-49.99 mg/L	0.0008	0.0056	0.023	0.20	0.0007	0.05
50-74.99 mg/L	0.0013	0.0090	0.045	0.32	0.0017	0.08
75-99.99 mg/L	0.0018	0.0123	0.069	0.42	0.0030	0.11
100-124.99 mg/L	0.0023	0.0156	0.095	0.52	0.0046	0.13
125-149.99 mg/L	0.0029	0.0189	0.122	0.61	0.0065	0.16
150-174.99 mg/L	0.0034	0.0221	0.151	0.71	0.0087	0.18
175-199.99 mg/L	0.0039	0.0253	0.182	0.80	0.0112	0.20
200-224.99 mg/L	0.0045	0.0285	0.213	0.89	0.0138	0.23
225-249.99 mg/L	0.0050	0.0316	0.246	0.98	0.0168	0.25
250+ mg/L	0.0053	0.0332	0.262	1.02	0.0183	0.26

How to Determine Hardness for Hardness-Dependent Parameters.

You may select one of three methods to determine hardness, including; individual grab sampling, grab sampling by a group of operators which discharge to the same receiving water, or using third-party data. Regardless of the method used, you are responsible for documenting the procedures used for determining hardness values. Once the hardness value is established, you are required to include this information in your first benchmark report submitted to VIDPNR so that the Department can make appropriate comparisons between your benchmark monitoring results and the corresponding benchmark. You must retain all report and monitoring data in accordance with Part 7.5 of the permit. The three method options for determining hardness are detailed in the following sections.

(1) *Permittee Samples for Receiving Stream Hardness*

This method involves collecting samples in the receiving water and submitting these to a laboratory for analysis. If you elect to sample your receiving water(s) and submit samples for

analysis, hardness must be determined from the closest intermittent or perennial stream downstream of your point of discharge. The sample can be collected during either dry or wet weather. Collection of the sample during wet weather is more representative of conditions during stormwater discharges; however, collection of in-stream samples during wet weather events may be impracticable or present safety issues.

Hardness must be sampled and analyzed using approved methods as described in 40 CFR Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants).

(2) Group Monitoring for Receiving Stream Hardness

You can be part of a group of permittees discharging to the same receiving waters and collect samples that are representative of the hardness values for all members of the group. In this scenario, hardness of the receiving water must be determined using 40 CFR Part 136 procedures and the results shared by group members. To use the same results, hardness measurements must be taken on a stream reach within a reasonable distance of the discharge points of each of the group members.

(3) Collection of Third-Party Hardness Data

You can submit receiving stream hardness data collected by a third party provided the results are collected consistent with the approved 40 CFR Part 136 methods. These data may come from a local water utility, previously conducted stream reports, TMDLs, peer reviewed literature, other government publications, or data previously collected by the permittee. Data should be less than 10 years old.

Water quality data for many of the nation's surface waters are available on-line or by contacting EPA, VIDPNR or a state environmental agency. EPA's data system STORET, short for STORage and RETrieval, is a repository for receiving water quality, biological, and physical data and is used by EPA, VIDPNR, state environmental agencies and other federal agencies, universities, private citizens, and many others. Similarly, state environmental agencies and the U.S. Geological Service (USGS) also have water quality data available that, in some instances, can be accessed online. "Legacy STORET" codes for hardness include: 259 hardness, carbonate; 260 hardness, noncarbonated; and 261 calcium + magnesium, while more recent, "Modern STORET" data codes include: 00900 hardness, 00901 carbonate hardness, and 00902 noncarbonate hardness; or the discrete measurements of calcium (00915) and magnesium (00925) can be used to calculate hardness. Hardness data historically has been reported as "carbonate," "noncarbonate," or "Ca + Mg." If these are unavailable, then individual results for calcium (Ca) and magnesium (Mg) may be used to calculate hardness using the following equation:

$$\text{mg/L CaCO}_3 = 2.497 (\text{Ca mg/L}) + 4.118 (\text{Mg mg/L})$$

When interpreting the data for carbonate and non-carbonate hardness, note that total hardness is equivalent to the sum of carbonate and noncarbonate hardness if both forms are reported. If only carbonate hardness is reported, it is more than likely that noncarbonate hardness is absent and the total hardness is equivalent to the available carbonate hardness.

Appendix J. No Exposure Certification Form

If you wish to qualify for the No Exposure Certification, you must fill out and submit a copy of the No Exposure Certification Form in this Appendix to VIDPNR.

(A copy of the No Exposure Certification Form can be found online at the following website: <http://dpr.vi.gov/environmental-protection/water-pollution-control-program/>)

Appendix K. Discharge Monitoring Report (DMR) Form

If you are a Permittee that is required to submit Discharge Monitoring Reports (DMRs), you must fill out and submit a copy of the Discharge Monitoring Report (DMR) Form in this Appendix to VIDPNR.

(A copy of the Discharge Monitoring Report (DMR) Form can be found online at the following website: <http://dpr.vi.gov/environmental-protection/water-pollution-control-program/>)